

THE STORY OF THE
"DOMUS DEI"
OF
STAMFORD



HOSPITAL OF WILLIAM BROWNE.



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THE STORY
OF THE
"DOMUS DEI" OF STAMFORD

(Hospital of William Browne).







J. FOWLER, ARCHT.

BROWNE'S HOSPITAL.

EXTERIOR VIEW FROM THE SOUTH-WEST.

THE STORY
OF THE
“DOMUS DEI” OF STAMFORD

(Hospital of William Browne).

BY

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“STORY OF THE ‘DOMUS DEI’ OF CHICHESTER”;

“LEPROSY AND ITS STORY — SEGREGATION ITS REMEDY”;

“LEPROSY AN IMPERIAL DANGER,” ETC., ETC.

Ἀγαπητοί, αγαπῶμεν ἀλλήλους· ὅτι ἡ ἀγάπη ἐκ τοῦ Θεοῦ ἐστὶ.

1 Joh. iv. 7.

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TO

MY HIGHLY ESTEEMED AND VALUED FRIEND,

HENRY MONTAGU BUTLER, D.D.,

MASTER OF TRINITY COLLEGE, CAMBRIDGE,

VICE-CHANCELLOR OF THE UNIVERSITY OF CAMBRIDGE,

CHAPLAIN IN ORDINARY TO HER MAJESTY THE QUEEN,

WHOSE BRILLIANT TALENTS HAVE THROUGH A LABORIOUS LIFE
BEEN DEVOTED WITH WORLD-KNOWN SUCCESS
TO THE ADVANCEMENT OF EDUCATION AND LEARNING,

This Volume

IS DEDICATED WITH EVERY FEELING OF
ADMIRATION AND RESPECT

BY

HENRY PRESS WRIGHT.

P R E F A C E.

NEARLY a quarter of a century ago, when engaged in the restoration of the "Domus Dei" of Portsmouth, my attention was called to ancient hospitals, and especially to those marked homes of charity which have the *Domus Dei* attached to the *Domus Infirmorum*, in order that the sick or the aged may receive daily care of their souls as well as of their bodies.

Soon discovering that very little was known of such buildings, I wandered over England, France, and Germany to see for myself, and learn what I could about them. I found that many noble structures had been ruthlessly destroyed, while not a few had been turned into store-houses, barns, breweries, public halls—in a word to any purpose that was deemed convenient. Happily there are still in existence brilliant well-cared-for examples of mediæval hospital architecture, some of them yet in use, sheltering and comforting the sick and afflicted. Their plans and beauties will be seen fully set forth in the *Dictionnaire Raisonné de l'Architecture Française du XI^e au XVI^e siècle* par M. Viollet-le-Duc ; also in *Architecture Civile et Domestique au Moyen Age et à la Renaissance* par Aymar Verdier et Dr. F. Cattois.

Special circumstances called upon me to write the 'Story of the Domus Dei of Portsmouth,' which was followed by that of St. Mary's Hospital, Chichester. My wish was

to publish next all that I had gathered concerning the noble old Homes at Beaune, Tonnerre, Angers, Dol, Chalons-sur-Saone and Lübeck, but my attention was unexpectedly drawn towards Stamford by the generosity of the Rev. C. Nevinson, Warden of Browne's Hospital, who, on my first visiting the Borough, received me heartily and offered to lend me every assistance, should I undertake the history of the Charity of which he had charge.

With still greater thankfulness have I to remember his successor, the Rev. W. H. Iggulden—alas! so suddenly called from his field of usefulness, in which he had laboured so ably and so zealously. Through his most friendly consideration I had access to original and other documents, without which to tell the tale of the Hospital would have been, to me, an impossibility.

But there is one to whom above all others I am indebted—Joseph Phillips, Esq., F.S.A., the well known and highly respected Steward of the Hospital—and here do I gladly and gratefully acknowledge my great obligation to him. As an antiquarian Mr. Phillips had for years found pleasure in collecting papers and publications respecting a Home of the poor very dear to him; and marked had been his success. With a liberality rarely equalled, those treasures—piles of them—were entrusted to my care; and, whenever a difficulty arose, it was speedily removed by one, whom I am now proud to call my friend, as well as my ready, untiring, and learned helper. Without his valuable aid my efforts, as the historian of the Hospital, would have been in vain.

In Chapter IV. I have carefully considered the Deanery of Stamford; not for any great advantage that would result from the scrutiny, but rather to decide a question which was much before the public in the days of Dean

Mantell. Bishop Wordsworth deemed it desirable to treat the Deanery as a Peculiar, and as such it has been continued by his successor. Long may my friend Dean Howard live to be an honour to his high office and a valued Governor and Trustee of Browne's Charity.

I have tried to do justice to all who have supported me in an undertaking, which has cost me years of hard, but very pleasing, labour; and I trust that, while some may say that I have given too minute a record, no one will be able to show that I have neglected one single document of importance.

May every blessing rest on the noble old Charity! In writing its story my aim has been to be scrupulously fair, and I can only hope that I have succeeded in my effort.

"Omnes amicos habere operosum est, satis est inimicos non habere."

H. P. WRIGHT.

GREATHAM RECTORY,

July 1st, 1890.

CONTENTS.



CHAPTER I.

| | PAGE |
|--|------|
| OLD STAMFORD AND THE BROWNE FAMILY | I |

CHAPTER II.

| | |
|---|----|
| FOUNDATION AND GOVERNMENT OF BROWNE'S HOSPITAL .. | 14 |
|---|----|

CHAPTER III.

| | |
|--------------------------------|----|
| THE HOSPITAL BUILDINGS | 61 |
|--------------------------------|----|

CHAPTER IV.

| | |
|---------------------------------|----|
| THE DEANERY OF STAMFORD | 77 |
|---------------------------------|----|

CHAPTER V.

| | |
|--|-----|
| THE CHARTER OF JAMES I. VISITATION BY THE BISHOP OF LINCOLN | 103 |
|--|-----|

CHAPTER VI.

| | |
|---|-----|
| THE VISITATION OF BISHOP WAKE. DR. STUKELEY, AND HIS SELFISH DESIGNS | 120 |
|---|-----|

CHAPTER VII.

| | PAGE |
|-----------------------------------|------|
| RIDLINGTON <i>v.</i> ROSS | 171 |

CHAPTER VIII.

| | |
|--|-----|
| THE GREEN STATUTES. STATE OF THE CHARITY AT THE CLOSE OF THE EIGHTEENTH CENTURY | 209 |
|--|-----|

CHAPTER IX.

| | |
|---|-----|
| BISHOP TOMLINE AND HIS POWER AS VISITOR. THE KAYE STATUTES | 230 |
|---|-----|

CHAPTER X.

| | |
|--|-----|
| APPEAL TO THE BISHOP OF LINCOLN. THE BISHOP'S REPLY. APPLICATION TO THE COURT OF CHANCERY. NEW SCHEME FOR MANAGEMENT OF THE HOSPITAL | 247 |
|--|-----|

CHAPTER XI.

| | |
|--|-----|
| THE RESTORATION AND REBUILDING | 280 |
|--|-----|

CHAPTER XII.

| | |
|--|-----|
| STAMFORD ENDOWED SCHOOLS.—THE HOSPITAL'S GIFT FOR EXTENDING EDUCATION IN STAMFORD. SKIRROW'S INQUIRY | 303 |
|--|-----|

CHAPTER XIII.

| | |
|---|-----|
| AGRICULTURAL DEPRESSION, AND DECREASE OF THE HOS- PITAL REVENUES. A NEW INQUIRY BY DIRECTION OF THE ATTORNEY-GENERAL. DECISION OF MR. JUSTICE CHITTY | 320 |
|---|-----|

CHAPTER XIV.

| | PAGE |
|---------------------------------------|------|
| APPLICATION FOR A NEW SCHEME. | 341 |

CHAPTER XV.

| | |
|---|-----|
| THE SCHEME OF THE ATTORNEY-GENERAL REVISED, CONFIRMED, AND FINALLY APPROVED | 377 |
| SCHEMES OF MANAGEMENT—1854, 1873, 1875, 1889 | 407 |

APPENDIX.

| | |
|---|-----|
| I. FORM OF LETTERS PATENT FOR THE FOUNDATION OF BROWNE'S HOSPITAL— <i>Edw. IV.</i> | 455 |
| II. WILLIAM BROWNE'S GRANT TO THO. STOKK, ANNO 1488—3 <i>Henry VII.</i> | 457 |
| III. THE ORIGINAL STATUTES OF THE HOSPITAL | 459 |
| IV. AGREEMENT MADE BY JOHN (RUSSELL) BISHOP OF LINCOLN, BETWEEN THE ABBOT OF CROYLAND AND THE PRIORESS OF ST. MICHAEL'S, LITTLE WIRTHORPE, FOR PAYMENT OF INDEMNITY | 475 |
| V. CHARTER OF RICHARD III. | 477 |
| VI. CHARTER OF HENRY VII. | 479 |
| VII. CHARTER OF JAMES I. | 481 |
| VIII. GIFTS OF SIR THOMAS DELALAUND, DECEMBER 1499 | 493 |
| IX. VALOR ECCLESIASTICUS | 496 |
| X. HOSPITAL SEAL | 500 |
| XI. LIST OF WARDENS AND CONFRATERS | 501 |
| XII. SCHEDULE OF THE REAL AND PERSONAL PROPERTY OF THE "DOMUS DEI" OF STAMFORD, 15TH MAY, 1890 | 503 |

LIST OF ILLUSTRATIONS.

| | PAGE |
|---|------|
| 1. EXTERIOR VIEW FROM THE SOUTH-WEST .. <i>Frontispiece</i> | |
| 2. BRASS TO THE MEMORY OF THE FOUNDER IN ALL SAINTS' CHURCH <i>to face</i> | 10 |
| 3. PLAN OF THE OLD HOSPITAL BUILDINGS „ | 61 |
| 4. EXTERIOR VIEW OF THE OLD BUILDINGS „ | 62 |
| 5. AUDIT ROOM, LOOKING SOUTH-EAST.. .. . „ | 66 |
| 6. INNER COURT OF THE OLD BUILDING, LOOKING EAST „ | 73 |
| 7. INNER COURT OF THE OLD BUILDING, LOOKING WEST „ | 297 |
| 8. COMMON ROOM, LOOKING TO THE CHAPEL „ | 300 |
| 9. INNER COURT OF NEW BUILDING, LOOKING SOUTH- EAST „ | 301 |
| 10. INNER COURT OF NEW BUILDING, LOOKING NORTH- WEST „ | 302 |
| 11. GROUND PLAN OF THE HOSPITAL BUILDINGS AS NOW ARRANGED.. .. . „ | „ |

THE STORY

OF THE

“DOMUS DEI” OF STAMFORD.



CHAPTER I.

OLD STAMFORD AND THE BROWNE FAMILY.

As we look thankfully on the old Hospital of William Browne, we long to go back to the days when its founder lived, and see Stamford just as it was when the spirit of charity was so busy therein. That longing can never be fully gratified ; but, happily, imagination can carry us back 400 years, and help us realize the old walls, with, at intervals, their several greater and four lesser towers, seven principal and two postern gates, and afford us some definite notion of the appearance of the town thus fortified. And here we shall be wise if we place ourselves under the careful guidance of one well known as a learned and trustworthy antiquarian.

“Let us suppose,” says George Ayliffe Poole, “that we are approaching Stamford from the south, some time during the fourteenth century. Before Burghley was, we pass the place where the gates of Burghley now stand, and, as we descend the gentle slope and pass the churches of St. Martin and All Saints without the Walls, the town gradually opens on us, with a splendour as superior to its present appearance as the road on which Queen Victoria

drove is superior to that which sounded beneath the horse-hoofs of some Albini or Warren of old, or added its dust or dirt to the travel-stained garments of the poor scholars, who sought a retreat here from the discipline which they disliked at Oxford. Almost the whole of the suburbs were visible from this approach to the town; for the northern and western sides were comparatively unoccupied; while, to the right or east of the town, monasteries and churches were thickly scattered. *There* were the churches of the Holy Trinity and St. Stephen; *there* were St. Leonard's, the Black, Grey, and White Friars, each with its church and conventual buildings, and with its garden and orchard—white, if our fancied visit is at this time of the year, with the flowers of the pear, the apple, and the cherry.

“Within the walls, eight or ten churches lifted their towers or spires above the roofs of the surrounding houses—great St. Mary's being then, as it is now, proudly pre-eminent over all. The Castle, with its darker and more massive keep and towers, was in every respect a most important feature in the view; for to the neighbourhood of this stronghold, the fairs and markets, and even the churches and monasteries of Stamford, owed their security. Entering by the gates, we find the streets suddenly narrowed, and the houses almost meeting overhead, as the projecting gables hang over more and more at each successive story; and even the churches exhibit in their ground-plans, and perhaps too in the aggregation of shops and stalls around their aisles, the procrustean influence of a fortified town. But room is still found for works of piety and charity, as is evidenced in the College, the Hospitals or *Callises*,* and the Bede Houses; though *the* Bede House

* The wealthiest inhabitants of Stamford were merchants of the Staple of Calais, and the *Callises*, or Hospitals so called, may have been

is not yet commenced, and William Browne's father is, perhaps, serving his apprenticeship with some wealthy merchant within the shadow of St. Mary's spire."

This last statement, with its hypothesis, brings before us a family ever to be gratefully remembered by the town of Stamford, and points to a home of the aged and infirm, the story of which is now to be told.

At a very early period Stamford was an important wool-market, and, first as drapers, then as wool-merchants actively engaged in the Staple of Calais, the Brownes became rich and distinguished. The member of the family of whom we have the earliest record, is mentioned in a deed of 48 Edw. III. (1374), between "the Warden of the Grey ffriares, and John Browne* Alderman, and the Com'tie of Staunford," of the exchange of a "moiety of a springe, at Stacye's mylne, with the Alderman and Co'naltie for a wholle springe of theirs, called Eastwelleshened, scituate int' ter' D'ni Mich'is de la Pole ex utrâque parte." (ffor the Grey ffreares conduite.)

This John Browne was in 1374-6-7 Alderman of Stamford. He had a son, also named John, Alderman in 1384, who is, we have every reason to believe, the person referred to in the following will:—

"I, Sarra Tanner,† of Staunford, &c., will that John Browne and Maud his wife, my daughter, have all the

supplied specially for *the women* engaged in that trade. Many names of French derivation still occur in the town, telling of the connection of Stamford with France through the merchants of the Staple of Calais, and to the present time females, single or married, are the inmates of the Callises in Stamford.

* John Browne was Alderman of Stamford 48 and 49 Edw. III. the principal Magistrate. Peck's *Stamford*, ix. 66.

† She is called Sara, the wife of John Tavener, of Staunford in Esc. 18, R 2, No. 46. Qy. Was not the name Tawner?

rents and two tenements, &c., in the parishes of the Blessed Mary at the bridge, and of St. George ; to them and their heirs, &c., and that, after the decease of the said John, Maud, and their heirs, all the aforesaid, &c., remain to the Brethren and Sisters of the gild of the Blessed Mary at the bridge, and of Corpus Christi, for ever. I will, moreover, that the foresaid John, Maud, and their heirs, &c., have three messuages situated in Spalding, with six acres of meadow-land there, and that, after the decease of them, &c., the foresaid two messuages and six acres of land remain to the Brethren and Sisters of the Holy Trinity of Spalding for ever. Dated Friday, the Feast of the Apostles SS. Simon and Jude, 17 Ric. II. (28th Oct. 1394)."

Of the children of John and Maud nothing seems to be known. We may, however, fairly suppose, without any serious danger to our story, that John Browne, father of the founder of the Hospital, was their son, and a merchant of no ordinary capacity and energy. To the warehouses and premises already in his possession he added, in 1409, two shops ; and in 1422 two others, all of which, a connected body of buildings, occupied a portion of the space now known as Red Lion Square. Although the buildings have long ago disappeared, the following extracts from certain deeds of conveyance have escaped destruction.

"1409 (10 Henry IV.). Nicholas Hickson, of Withorpe, gave to John Browne, Draper, of Staunford, two shops with the appurtenances, situated in All Saints' Parish, in the mercat, between a tenement, late Reginald Mercer's, south, and a tenement of John Long's, north ; as they extend themselves from the way called "Behynde Bak," west, unto the King's highway of another part, east. Which shops were Robert Browne's of Willesthorpe, a Capellan, he having purchased them of Robert Griffenhale, 44 Edw. III."

"1422 (1 Hen. VI.). John Smith, of Staunford, Clerk, gave to John Browne, draper, two shops situate in All Saints' Parish, in the mercat; whereof one is situated on the Scoboths, between a tenement of Lord Edward, late Duke of York, north, and a shop of the said John Browne, south, and abuts on the King's highway, east. And the other shop is situate between a shop of John Alcock's, north, and a shop of the foresaid John Browne, south, and abuts on the way called "behynde-the-bak," west; which shops were John Long's of Staunford. Also one messuage in All Saints' Parish, in the mercat, between a tenement of the Prior of Finnesheuede, and a tenement of William Stalehams, north.—Witnesses, Thos. Bassett, Alderman of Staunford, &c. Dated 4th March (1 Hen. VI.)."

In 1436, these four shops, which had been thrown into one, were conveyed by John to his son William Browne; and were used for drapery and general stock. A little street or alley, close at hand, called Woolrowe, was chiefly taken up with warehouses, the Brownes being now the leading dealers in wool, and extensive merchants of the Staple of Calais. The gift is set forth in the following old document:—

"John Browne of Staunford, Draper, gave to William Browne, his son, all his entire shop, lately four shops, situated in All Saints' Parish, in the mercat, between a tenement of the Duke of York's, south, and a tenement of Margaret Sutton's, north, and abutting on the king's highway, east, and in the way called 'behynd-bak,' west. The said John Browne constituted the said John Halyday (vicar of All Saints' in the mercat) his Attorney, to deliver seizin of the same to his son.

"Witnesses—Richard Lee, Alderman of Staunford, &c. Dated on the Tuesday next after the Feast of St. Matthias the Apostle (15 Henry VI.)."

This high-minded merchant and generous father was Alderman of the Town in 1414 (2 Hen. V.), and in 1422, and 1427 (1 & 6 Hen. VI.) He died on the 26th July, 1442, and his wife Margaret on the 22nd Nov. 1460.

They were buried at the east end of the north aisle of the Chapel of St. Thomas, in the Church of All Hallows. The husband is represented in an Alderman's gown, with his wife standing by his side. The inscription, on a brass plate now fixed below an adjoining window, is as follows :—

“Orate pro a'i' abs Johi's Browne, Marcatoris stapule calicie, et Margarie uxoris ejus ; qui quidem Joh'es obiit xxvi. die mens' Julii A°. d'ni mccccxlii. Et que quede' Margeria obiit xxii. die Novembris A°. d'ni mccccxlx. Quor' animabus p'picietur Deus. Amen.”

John and Margaret left three children :—

1. John, whose wife's name was Agnes. He was Alderman in 1448, 1453, and 1462.

2. William, Founder of the Hospital, who married Margaret, daughter of John Stoke of Warmington, and sister of Thomas Stoke, Canon of York. He was Alderman six times between 1435 and 1470, and was twice Sheriff of the County of Rutland in the reign of Edward IV. and again in the reigns of Edward V. and Henry VII. He is described by Leland as “a merchant of a very wonderful richnesse.”*

And right well did he at all times use his riches. During the Wars of the Roses, Stamford, lying on the line of march of the Lancastrians, was ruthlessly assailed ; especially after the battle of Wakefield, when on their way to St. Albans under Sir Andrew Trollop. Not only did its charters and records disappear, but many of its leading buildings were destroyed. They (says Stowe) “spared

* Blore's *Rutland*, p. 93.

neither Abbeies, Piores, or parish churches, but bore away crosses, chalices, bookes, ornaments, and other things, whatsoever was worth the carriage, as though they had been Saracens and no Christians." The churches seem to have been special objects of attack, for many without the town or near the walls disappeared entirely, while others within the walls were left mere wrecks. Among the latter we may place All Saints', which was restored, we might almost say rebuilt, by the Browne family. Walcott states that the *restoration* was "by the munificence of William Browne," while Peck observes: "the tradition is that the Church was rebuilt not by William, but by his brother John." The difficulty is easily removed. The John Browne who undertook to rebuild the church was undoubtedly the father of John and William, proof of which lies in the fact that the father (who died in 1442), with his wife Margaret, lie buried in the *rebuilt* Chapel of St. Thomas, in the east end of the north aisle. The two sons, to whom the Church was thus rendered dearer than ever, completed what their father had so nobly begun, by raising the grand tower and spire. Living in the same town, the one son could scarcely carry on the holy undertaking without the other.

"Out of the steeple (says an old MS. History of Stamford*), a pretty height above the battlements, grows a small eldern branch, which, though never so often pulled down, yet it grows out afresh. Here note, the said steeple was built by William, not John, Browne, the which is a mistake, the which William was the younger brother of John Browne, Esq., who lived in the reign of Henry the Sixth, whose widow also, Agnes Browne, was a charitable benefactress according to the practice of that age, as appears by her will, dated on St. John Baptist's Day anno

* In possession of the late Mrs. Johnson, of Brasenose, Stamford.

domini 1470, being the tenth year of the reign of King Edward the Fourth, whereby she devised her body to be buried in this church, beside her husband."

The parts remaining of the original early English structure are few, but very striking, especially the external work on the south and at the east end—indeed, the whole building (thanks to the Browne family) is by far the finest church in Stamford. Peck writes very enthusiastically of it, connecting with the family two of its bells:—

"Here a word or two of this All Saints' Church in the mercat. It consists of three isles; and two chancels, one answering to the south isle, and the other the nave. Adjoining to the west end of the north isle is the steeple, a beautiful stone fabric, embattled at the tower, and crocketed all the way up the spire. The whole is a very neat, well-proportioned, and much-admired thing; being, indeed, one of the principal ornaments of Stamford. In it hang five bells, the biggest about 15 cwt., which are thus inscribed:—

"I. *Hec nova campana Margaretta est nominata.* II. *Nomen Magdalene campana sonat melodie.* III. *In multis annis resonet campana Johannis.* IV. New cast 1726. V. *God save the King.* Tobias Norris. Besides which there is a Sanctes bell. The first and third of these bells were given, as I guess, by Mr. John Browne and Margaret his wife.*"

A beautiful west window has been placed in the church, with the following simple but impressive inscription:—

"To the glory of God, and in affectionate memory of their parents, this window was dedicated, A.D. 1888, by the children of Charles Browne of Boston, Massachusetts, who died July 21, A.D. 1856, and of Elizabeth Isabella Tilden, his wife, who died December 6, A.D. 1884, both parents

* Peck's *Annals of Stamford*, lib. xiv. p. 56.

being lineal descendants of John Browne, who lies buried with Agnes his wife, in the north aisle of this Church, which was restored about the year 1485 by him and his brother, William Browne, the founder of Browne's Hospital in this parish."

A special and appropriate dedication service was held on the 28th of April, 1888, when the Bishop of Nottingham, Dr. Trollope, addressed a large congregation. At the close of his address his Lordship, himself a lineal descendant of John, the eldest son of John and Margaret Browne, alluded very gracefully to the pious offering of the American descendants of his ancestor.

3. Alice, who married into a family named Bredmeydew. Of John and Alice we know nothing further, save what is told us by the epitaphs in All Saints' Church. John is there presented in the robe of an Alderman, with his wife Agnes by his side, having beneath his feet the following quaint verses :—

"Te precor, O Christe, matrisque patrisque miserere.
Non sim dejectus, nos omnes claudite celis.
Est mihi nomen idemque patri labor unus utrique.
Milleno C quat sexageno simul xv.
Vitam mutavi, Februar mensisque trideno.
Huc ades, O conjux Agnes, mihi cara fuisti
Dum mundo vixi ; post me sis sponsaque Christi.
Anno milleno C quat mensis
Mundum liquisti, celestia regna petisti."

Alice Bredmeydew died 10th Feb., 1481, and was buried in the south chancel. A brass plate has the following inscription :—

"Orate pro a'i'a Aliciæ Bredmeydew quonda' sororis Will'mi Browne q' obiit et sepeliebat' sub isto lapide x^o die mensis Februarii, a' D'ni m^occcc^olxxxi^o, cuj. a'i'e p'piciet' Deus. Amen."

William Browne, whose memory is so dear to Stamford, indeed to all who value great labours of love, died in 1489 ; and by his will, dated 17th Feb., 1488-9, and proved in

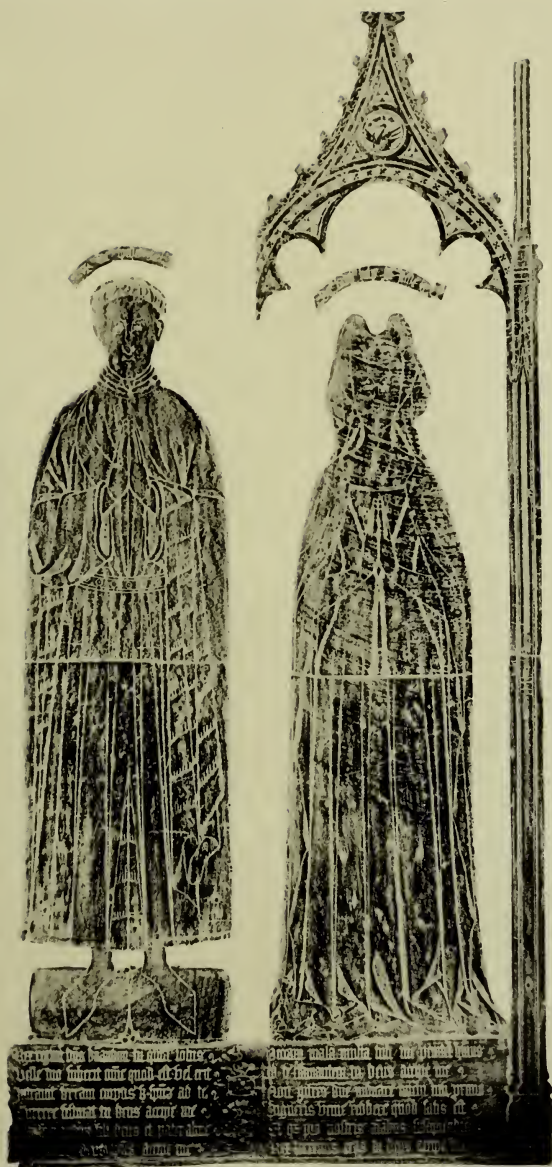
May 1489, directs his body to be buried in All Hallows' Church,* Stamford, and appoints Margaret, his wife, to be his sole executrix.

Dame Margaret, by her will dated in 1489, and having a codicil added 24th Oct., 1489, and proved in Jan. 1490, directs her body to be buried by the side of her husband, in the chapel of St. Mary, in the church of All Hallows, and appoints for her executors her brother Thomas Stoke, John Elmes, and William Elmes.

The faithful and honoured couple lie in the chapel of St. Mary, on the south of the chancel, in which the husband founded a chantry under the care of the Warden and Confrater of his Hospital. The grave is secured by a blue marble slab, near which the altar formerly stood, and on it, beneath richly ornamented canopies, are figures of a man and woman with their hands joined as in the act of prayer. He is dressed in a long gown, girt about the waist, standing upon two woolpacks—she in elegantly flowing robes, with a dog at her feet. Above the canopies are four blank shields, and between them a fifth; the pediments of the canopies have, within a circle, a stork rising from its nest; being the crest of William Browne, and a common device in the windows of the Hospital. Over his head, which is bare, is inscribed “✠ me spede,” and over her head the words “Dere Lady help at nede.” The following inscription is beneath their feet in two columns, and beneath the columns are two devices, each being a stork standing on a woolsack, with a scroll above, on which is written “✠ me spede.”

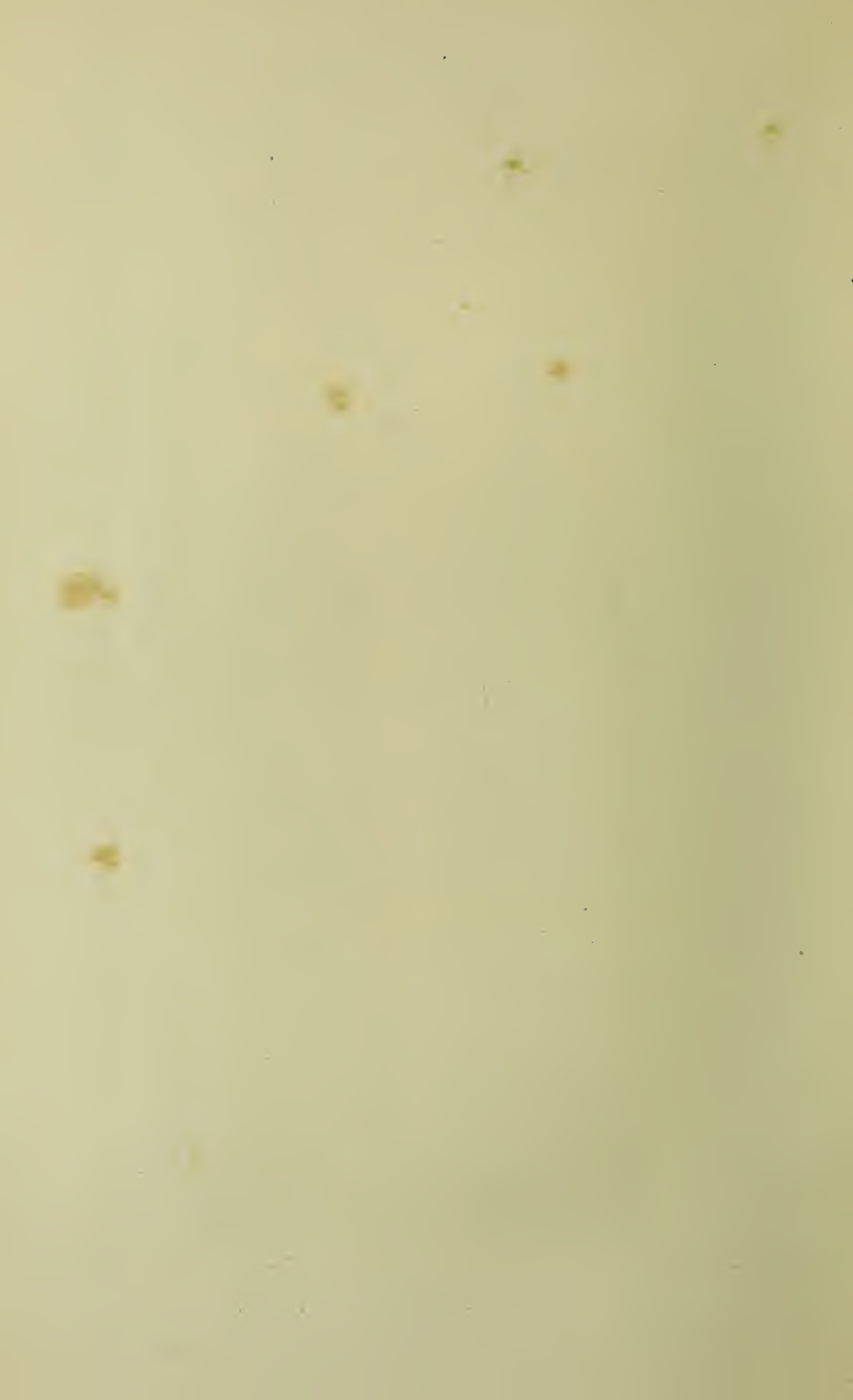
“Rex regum, Dominus dominantium, tu quia solus,
Velle tuo suberit omne quod est vel erit.

* Blore's *Public Schools and Hospitals of Stamford*, pp. 123, 124.
Blore's *Rutland*, p. 93.



BROWNE'S HOSPITAL.

BRASS TO THE MEMORY OF THE FOUNDER,
ALL SAINTS CHURCH.



Intravit terram corpus, sed spiritus ad te
Currere festinat ; tu, Deus, accipe me,
In te sperantem ; fili Deus, et pater alme,
Altitonansque Deus spiritus, accipe me.

Peccavi, mala multa tuli, me penitet hujus
Ad te clamantem, tu, Deus accipe me.
Non intres, Domine, judicare michi, nisi primo
Digneris venie reddere quod satis est ;
Et qui pro nostris animabus suscipiendis
Rex terrenus eras, tu, Deus, accipe me."

Peck, in his *Annals of Stamford*, gives the following translation of these lines :—

" O King of kings and Lord of lords, Thy will
In yielding to the grave all must fulfil.
But as my flesh to earth, my spirit to Thee,
On whom my hope depends, makes haste to flee.
Thou, gracious Father, Son, and Holy Ghost,
Receive my soul, or I'm for ever lost.

A many sin I've done, and much I'm griev'd ;
Then let my cries for mercy be received.
Enter not into judgment with me, Lord ;
Mercy I beg, Thy mercy first afford.
Thou, who in pity didst our nature take,
Hear, and O save me for Thy mercies' sake."

The late Warden (Rev. C. Nevinson) suggests that all the Latin poetry (!) on the various Browne monuments was written by Thomas Stokke, Margaret Browne's brother ; and naively adds, " It is almost needless to say that, however the habit of versification displayed might commend itself to certain modern centres of education, the quality of the verses would scarcely pass muster."

William Browne had but one child, a daughter named Elizabeth. She married John Elmes, of Henley-on-Thames by whom she had two sons and three daughters. One daughter is buried near to her grandfather's grave, and on

a brass is the figure of a female, with the lunar headdress, and the following inscription under her feet :—

“Hic jacet Margareta q'onda' filia Joh'is Elmes et Elizabeth' uxoris ejus de Hendole sup' Tamesia', q'obiit p'mo die Augusti a'o d'ni mccccxxi^o, cuj' a'i'e p'piciet' Deus.”

Christopher, son of John and Agnes, and nephew of William Browne, by will, dated 1516 and proved Feb. 1518–19, directs that his body shall be buried “in the chapel of St. Thomas, in the church of All Hallows in Stanford.” There is nothing to indicate the position of his grave.

William Browne, as we have seen, by his will, dated 17th Feb., 1488–9, and proved in May 1489, appoints Margaret, his wife, to be his sole executrix ; and Dame Margaret, by her will dated the same year, appoints for her executors her brother Thomas Stoke, John Elmes, and William Elmes. The two former renounced the executorship, and the will was proved by Robert Beaumont (whose name occurs in a codicil), and William Elmes.*

* Among the Inquisitions of the County of Lincoln we find the following :—

“239. Inquisitions P.M. Co. Linc., *temp.* Henry VII.

“Chancery Inq., *post mortem*, 5 Henry VII., No. 89.

“Margaret Brown, widow.

“Inquisition taken at Lincoln, 16 May, 5 Henry VII. [A.D. 1490], before George Portynton, Escheator, &c. Who say, &c., that a certain William Brown, formerly the husband of the aforesaid Margaret, some time before his death was seized of the manors of Swafeld and Northwythom, in the County of Lincoln, with the appurtenances, and also of one tenement in Wilsthorpe, and of one tenement in Barghome, 12 tenements in Stamford, and 60 acres of arable land, and 8 acres of meadow in the fields and meadows of Staunford, &c. And he gave and granted all the aforesaid manors, &c., to Thomas Stokes, clerk, Henry Wikes, &c. To have to them, &c., forever. And further the jurors aforesaid say that Henry Wikes, chaplain, was

Thomas Stoke, although he declined, for reasons unknown, to administer the will of his sister, took, as we shall find, the founding of the Hospital under his especial care; and faithfully carried out the wishes and intentions of his brother-in-law, the large-hearted man of God, to whom Stamford will be for ever indebted for one of its noblest charities.

seized of the manor of Swynestede, and also of five tenements &c., in Witham, and of one tenement or inn, in Stamford, called 'Le Swans,' and of one tenement, called 'Le Bell,' of one tenement situate in Staunford aforesaid, upon 'Le Clement,' and of 80 acres of arable land and 12 acres of meadow, &c., in the vill and fields of Stamford, &c. And he gave and granted the aforesaid manor of Swynestede, 5 tenements in Witham, 3 tenements and 80 acres of land, and 12 acres of meadow in Stamford, &c., to the aforesaid William Brown and the aforesaid Margaret, his wife. To have to them for the term of the life of the same; and after the decease of the aforesaid William and Margaret, all the aforesaid manor, &c., remain to John Elmes and Elizabeth his wife. To have to them for the term of the life of the aforesaid Elizabeth; and after the death of the aforesaid Elizabeth, to remain to William Elmes, son and heir of the aforesaid John and Elizabeth. To have to them and to their heirs of their bodies, &c., to remain to John Elmes, brother of the aforesaid William, &c., to remain to the right heir of the aforesaid Elizabeth, &c. The aforesaid William Brown died, and the aforesaid Margaret out-lived him, &c. Afterwards the aforesaid Margaret died. After whose death the aforesaid John Elmes, and Elizabeth his wife, as in right of the same Elizabeth, entered, &c.

"And they say that the aforesaid Elizabeth is yet alive, &c.

"The aforesaid Margaret died on the 28th day of October last past [A.D. 1489], and that Elizabeth, wife of John Elmes, is daughter and next heir of the same Margaret; and she is of the age of 48 years, &c."

CHAPTER II.

FOUNDATION AND GOVERNMENT OF BROWNE'S HOSPITAL.

AN old writing, dated 23 Edward III. (1350), tells of the gift of three tenements and certain lands by W. Apethorpe, burgess of Staunford, to John Knot, Capellan. The positions of those tenements are so clearly set forth, that it is at once seen that they were situated where now stand the Chapel and Hospital built and endowed by William Browne. How and when the site of the old charity came into the possession of the Browne family nothing whatever is known. Sufficient, however, is the fact that it did so, and that some time before the end of the reign of Edward IV. The noble founder erected thereon a chapel and almshouse, and it is recorded—with truth or not I cannot say—that he at this early period maintained several poor people. We may fairly suppose that the good work was commenced shortly before the death of the King, and that, while the buildings were being completed, the following form of letters patent for licence to found the hospital was drawn up for his Majesty's gracious approval:—

“To the Kyng owr Sowāyne Lord,

“Please it your highnesse of your most habundāt grace to grawnt unto yowr humble and true hetteman William Browne your graciose l̄rēs patentz to be made in dew forme after the tenure that ensueth. And he shall pray to God for the preservacōn of yowr most noble estate.”

“To all to whom, &c., Health. Know ye that, whereas our

loved and faithful William Browne, of Staunford, in the County of Lincoln, one of the merchants of our Staple of Calais, proposes to found, with our permission, a certain perpetual Almshouse, We, commending the pious intention of the said William in this respect, have of our special grace, certain knowledge, and mere motion granted and given license, and by these presents do grant and give license, on our behalf and our heirs, to the aforesaid William, he, or his executors, or assigns, or any one of them, may make, found, erect, and establish, to be for all future time, a certain Almshouse at Staunford, upon Claymont, in the aforesaid County, of one Warden or secular Chaplain, and two other secular Chaplains, and eleven poor men and one woman for ever, according to the ordinance of the said William, or of his executors, or assigns aforesaid, or any or either of them, in this part to be made, to celebrate Divine Offices and offer up daily prayers, in a certain Chapel of All Saints, in Staunford upon Claymont, lately built by the aforesaid William and Margaret his wife, for the good estate of us and of our much beloved consort Elizabeth, Queen of England, whilst we shall live, and for our souls when we shall have departed this life; also for the good estate of the aforesaid William and Margaret his wife, whilst they shall live, and for their souls when they shall have departed this life, and for the souls of all the faithful departed. And, that when the said Almshouse shall be so made, founded, erected, created, and established, it shall for ever be called and named ‘the Almshouse of William Browne, of Staunford, in the County of Lincoln, one of the merchants of our staple of Calais.’ And that the Warden, Chaplains, Poor, and Woman of the said Almshouse and their successors, shall be called for ever, Wardens, Chaplains, Poor, and Women of the Almshouse of

William Browne of Staunford, in the County of Lincoln, one of the merchants of our Staple of Calais. And the aforesaid Warden, Chaplains, Poor, and Woman of the aforesaid Almshouse and their successors, Wardens, Chaplains, Poor, and Women, shall be one body, and one perpetual community corporate *in re et in nomine*; and have perpetual succession, and be persons sufficient and capable in law, by the name and under the name of Warden, Chaplains, Poor, and Woman of the aforesaid Almshouse of William Browne, of Stamford, in the County of Lincoln, one of the merchants of our Staple of Calais, to purchase, obtain, and receive lands, tenements, rents, sums of money, and other possessions and hereditaments whatsoever, from any person or persons whomsoever, willing to give, grant, or assign such to them; to have, and to hold, to them and their successors for ever. And the aforesaid Warden, Chaplains, Poor, and Woman of the said Almshouse and their successors, Wardens, Chaplains, Poor, and Women of the same House, under the name of the Warden, Chaplains, Poor, and Woman of the Almshouse of the aforesaid William Browne of Staunford, in the County aforesaid, shall be able to plead and be impleaded, and also, in every way to carry on actions, suits, quarrels, and causes, real, personal, and mixed, of whatsoever kind or nature they may be, before whatsoever Justices or Judges temporal or spiritual, or other persons whomsoever; and, before the same to answer and be answered, to defend and be defended; and, also, to do and receive all other things as other our subjects, persons skilled and capable within our kingdom, in like manner plead and are impleaded, answer and are answered. And that the same Warden, Chaplains, Poor, and Woman of the said Almshouse, and their successors, the Wardens, Chaplains, Poor, and Women of the said House, have a common seal,

to serve for ever for the business and transactions of the said Almshouse, and to be held, prosecuted, and had, without impeachment, impediment, or disturbance of us, or our heirs, or of the Justices, Escheators, Sheriffs, Coroners, Bailiffs, and other Officers or Ministers of us or our heirs ; and without any other our letters patents whatsoever, or any inquiry concerning 'ad quod damnum,' or any other royal mandate in this behalf whatever, the Statute enacted concerning not putting lands in mortmain, or any other statute, act, or ordinance, made, enacted, or ordained to the contrary, or any other thing, cause, or matter, notwithstanding.* In witness whereof," &c., &c.

This petition certainly makes a large request. The charity undoubtedly deserved the King's most favourable consideration, but it could hardly expect so generous a charter.

The absence of date leads to the conclusion that the petition was never presented, or, if forwarded, that either the King's death or the disturbing circumstances of the day stayed proceedings. It is highly satisfactory that the document escaped destruction, as it not only shows when the chapel was built, but also gives the scheme of the charity, as originally laid down by the founder, viz. a Warden and two Chaplains (secular Priests), eleven poor men, and a woman. There is something very charming in this first completing the House of God, telling, as it does, that William Browne, in his good work, had steadily and chiefly before him God's honour and glory. When Richard III. came to the throne, fresh efforts were made to secure royal aid, resulting in the grant of a charter, dated January 27th, 1485 ; which specifies that a chapel and divers other houses and edifices, within the said town of

* See Appendix for the Latin Petition.

Stamford, had been *lately* erected and caused to be built. All must have been actively carried on, as between the death of Edward and the issue of this new charter* (June 1483 to January 1485), there was only just time for completing the Hospital buildings, and securing the King's permission to carry on the charity. The new charter resembles closely that drawn up for Edward IV., only that it carefully directs an Inquisition to be held, and returned into Chancery; that the possessions,† empowered to be held by the Corporation, might be held without detriment to the King or others. There was a slight modification of the scheme. Instead of a Warden, two secular Priests, eleven poor men, and a woman, two Priests (a Warden and Confrater) were deemed sufficient for the spiritual care of the House, the men were reduced to ten, and a second woman placed on the charity, one evidently not being sufficient for so large an establishment. With only one, sickness might assail her at any moment, and, even with two, the wants of ten aged Bedesmen would be with difficulty met.‡

But further patience was necessary. Those were days of violent political struggles; we must not therefore be surprised that a charter for a hospital had to wait for quieter times. It is just possible that some question had been raised with reference to the validity of the grant, through

* Jan⁷. a^o Rich. III. (1485) :—"William Browne of Staunford hath a licence to founde an Almonye House there for ever." The heading which occurs at f. 22 of the MS. is:—"Concessionnes per R. a xxvii^o die Junij Anno Regni sui primo vsque."—*Harl. MS.*, f. 93.

† See Cal. of State Papers tem. James I., edited by Mary Anne Everett Greene, Lond., 1857. P. 607-1610, May 4, Westminster. Vol. liv. 19, Charter confirming the foundation of the Hospital at Stamford, Co. of Lincoln, by Wm. Browne, temp. Rd. III., Latin.

‡ See Appendix for Latin copy of this charter.

the non-holding an inquest, and therefore non-return of the inquisition. But, whatever the cause, William Browne was, for nearly four years, kept anxiously hoping, and then death came and removed the good man from all wordly anxiety. He died in the early part of 1489, leaving by his will, proved in the Prerogative Court of Canterbury in May of that year, his wife Margaret sole executrix, to carry out the design which had been so long the object of his loving care. How generously that care was expressed will appear from the deed of enfeoffment, dated July 4th, 1488 : *—

"Know all present and to come, that I, William Browne of Stamford, merchant of the Staple of Calais, have given and conceded, and by this my present have confirmed to Thomas Stokk, Clerk, Henry Wykes, Thomas Hikeham, Robert Grymston, and John Tailour, Clerks, John Coton and William Hawkyns, Chaplains, David Malpas Esquire, Robert Fitzacreley, John Gregory, and Thomas Kesteven of Stamford aforesaid, my manors of Swafeld and North Wythome, in the County of Lincoln, with their appurtenances and likewise all my lands and tenements, rents, reversions and services, meadows, pastures and pasturages, mills, courts-leet and knight's fees, with all natives and their goods, as well begotten as to be begotten, and with all their appurtenances, in the towns and territories of Swafeld and Counthorpe, North Wythome, South Wythome, Twyford, Stenby, Gunby, Colsterworth, Woollesthorp, Wyllesthorp, Bargham, with all my lands and all their appurtenances, in the County of Lincoln aforesaid ; all these my lands and tenements, meadows, pastures, and pasturages, with all their appurtenances in Stamford, in the county aforesaid, viz. one my tenement in the Parish of

* See Appendix for the Latin deed.

St. Peter, in the said town, now in the tenure of William Buck ; and one tenement in the parish aforesaid at Malory Brigge, with the appurtenances thereof, now in the tenure of Helen Belamy ; and one my tenement in the same parish, and one acre and a half of meadow in the meadows of Bredcroft, now in the tenure of Thomas Peryman ; and one shop in the Parish of All Saints, in the same town of Stamford, now in the tenure of William Bullok, draper ; and one shop there next the shop aforesaid, still in the tenure of William Bernard, patynner ; and one tenement in the same parish, now in the tenure of Robert Johnson, shoemaker ; and two tenements together, situated in the same parish, with a grange in Scotgate, and with its appurtenances, now in the tenure of John Sabyn ; and another tenement, in the same parish, now in the tenure of John Beevor, tailour ; and one tenement in the same parish, now in the tenure of John Sherman at Malory Brigge ; and one my tenement in the parish of St. Michael, now in tenure of Richard Tailour ; and one tenement in the parish of St. Andrew, with one acre of meadow at the small Brigges, now in the tenure of John Thistleton ; and one tenement or Hospice in the parish of St. Mary at the bridge of the town of Stamford, called "le Angell," now in the tenure of John Young, tailour ; and one tenement in the parish of St. Martin, within the liberty of the Abbot of Peterborough, namely Estbythewater, now in the tenure of John Barford, Junior ; and one tenement in the same parish, now in the tenure of John Gybson ; and one tenement in the same parish, now in the tenure of Robert Dudley Sawyer ; and one garden in the same parish, now in the tenure of Robert Lambe, tailour ; and three acres of meadow lying together in the Estmedewe at Small Brigges, and three roods in the meadow aforesaid, which cannot be

divided, with their appurtenances whatsoever, in the county of Lincoln. I have given also and conceded to the aforesaid Thomas Stokke, Henry Wykes, Thomas Hykeham, Robert Grymston, John Tailour, John Cotone, William Hawkyns, David Malpas, Robert Fitzacreley, John Gregory, and Thomas Kesteven, sixty acres of land arable, lying separate in the fields of Stamford, in the Counties of Rutland and Lincoln, and one close with its appurtenances, as is enclosed in a stone wall in Bredcroft in the County of Rutland; and another close, with a Dovecote in the same, with its appurtenances in Bredcroft aforesaid, and all my lands and tenements, rents, reversions, and services, meadows, pastures, and pasturages, with all and singular their appurtenances in North Luffenham, Sculthorp and Stretton, in the said County of Rutland. I have given, moreover, and conceded to the aforesaid Thomas Stokke, Henry Wykes, Thomas Hykeham, Robert Grymston, John Tailour, John Cotone, William Hawkyns, David Malpas, Robert Fitzacreley, John Gregory, and Thomas Kesteven all my lands and tenements, rents, reversions, services, meadows, pastures and pasturages, with all their appurtenances, in the towns and fields of Estone next Stamford, Wothorp, Barnake, Pillesyate, Wallcote, and Warmyngton in the County of Northampton; to have and to hold all the aforesaid manors, lands, tenements, rents, reversions and services, meadows, pastures and pasturages, woods, mills, courts-leet, knight's fees, with natives and their goods, as well begotten as to be begotten, with all and singular their appurtenances as aforesaid, Thomas Stokk, Henry Wykes, Thomas Hykeham, Robert Grymston, John Tailour, John Cotone, William Hawkyns, David Malpas, Robert Fitzacreley, John Gregory, and Thomas Kesteven, their heirs and assigns for ever, of the chief

Lords of those fees by services thence due and by right accustomed.

“ Know, moreover, that I, the aforesaid William Browne, have made, ordained, appointed, and by these presents placed in my stead, my beloved in Christ, Henry Toky, as my true and lawful Attorney, to enter upon, and in my place and name to take seizin and possession of and in all and singular the Manors aforesaid, lands, tenements, meadows, pastures, pasturages, rents, reversions, services, and other premisses, with their appurtenances whatsoever aforesaid, and, after such seizin and possession so taken and held, to deliver full and peaceful possession and seizin thereof for me and in my name to the aforesaid Thomas Stokk, Henry Wykes, Thomas Hykeham, Robert Grymston, John Tailour, John Cotone, William Hawkyns, David Malpas, Robert Fitzacreley, John Gregory, and Thomas Kesteven, or to their certain Attorney, according to the foundation, force, form, and effect of this my present Charter ; esteeming as confirmed and satisfactory all and whatsoever the aforesaid my Attorney shall do in my name in the premisses. In testimony whereof to this my present Charter, I have affixed my seal ; there being witness Robert Hans, Alderman of Stamford, John Sabyn of the same, John Hunt of Witham, John Mower of the same, John Aleyn of Swynsted, Bartholomew Holme of Swafeld, John Haydy of Estone, William Scarburgh of North Luffenham, Henry Okely of Pillesyate, and others. Dated at Stamford aforesaid, the fourth day of July, in the year of our Lord one thousand four hundred and eighty-eight, and in the third year of the reign of King Henry the Seventh.” (3 Henry VII., 1488.)

Such was the noble gift of William Browne for the endowment of a peaceful home for the aged poor. His

wife, who was left as executrix to carry out the holy design, survived her husband not a year; and by will, dated 1489, named as executors her brother Thomas Stokke, her son-in-law John Elmes, and her grandson William Elmes.

The brother renounced, for wise reasons we may presume, the executorship; but this is clear, it was not to avoid trouble with respect to the Browne Charity, for to its interests he gave the closest and ablest attention. At his own cost he secured fresh letters patent from Henry VII., dated Nov. 28th, 1493-4, to incorporate the house, and settle the lands left by William Browne to endow the Hospital. These were confirmed in Parliament the same day.

This charter* confers similar powers and privileges to those contained in that of Richard III.; indeed, it is little more than a transcript of it. We give it in full, as necessary for a clear understanding of the licence, by which "this certain perpetual Almshouse" was made, founded, and established:—

"Henry, by the grace of God, King of England and France, and Lord of Ireland, to all to whom these present letters shall come, greeting. Know ye, that whereas our beloved and faithful William Broune, of Staunford, in the County of Lincoln, one of our Staple of Calais, hath lately caused to be constructed and built, at his own great costs and expenses, a certain Chapel and divers other houses and edifices within the said town of Staunford, for a certain Almshouse there to remain, and did propose, by the medium of our licence, to make, found, and establish a certain perpetual Almshouse there, as well for divers Chaplains to celebrate divine service in the same Chapel, as for divers poor of each sex to be sustained and relieved; And, before

* For Latin charter see Appendix.

he was able, by the medium of our licence, to found and establish that Almshouse, was, by the prevention of death, taken away from this world : Nevertheless, we, highly commending the pious intention of the said William in this behalf, have, of our special grace, certain knowledge and mere motion, granted and given licence, and, by these presents, for us and our heirs, do grant and give licence to Thomas Stokke, clerk, brother of Mrs. Margaret Browne, relict of the said William Browne, and executrix of the Testament of the said William, that the said Thomas, or his executors, or any or either of them, shall be able to make, found, erect, create and establish, a certain Almshouse, to continue in future times for ever, at Staunford aforesaid, of one Warden, a secular Chaplain, and of one Confrater of the same house, being likewise a secular Chaplain, according to the ordinance of the said Thomas, or his executors, or any or either of them, in this part to be made ; to celebrate divine service, and to pray for the good estate of us, and of our most beloved consort Elizabeth Queen of England, Reginald Bray, Knt., Catherine his wife, the said Thomas Stokke, Elizabeth Elmes, and William Elmes, whilst we shall live, and for our souls, when we shall have departed this life ; And also especially for the souls of the said William Browne and Margaret his wife, and the souls of all the faithful departed. And we will that, after the said Almshouse shall be so made, founded, erected, created, and established, it shall be called the Almshouse of William Browne of Staunford, in the County of Lincoln ; and that they, the said Warden and Confrater, and their successors, shall be called Wardens and Confraters of the Almshouse of William Browne, of Staunford, in the County of Lincoln ; and shall be one body, and one perpetual community corporate, and shall have perpetual succession,

and a common seal to be used for the affairs of the said house, and shall be persons sufficient and capable in law to purchase and receive, to them and their successors, lands, tenements, rents, and other possessions and hereditaments whatsoever, and of all persons whomsoever, willing to give, grant, leave, or assign the same to them ; to hold to them and their successors for ever : and that the said Warden and Confrater, and their successors shall, by the same name, be able to implead and be impleaded, to answer and be answered ; and also shall be able to prosecute all manner of actions, suits, quarrels, and causes, real and personal and mixed, of whatsoever kind or nature they may be, before whatsoever Justices or Judges, temporal or spiritual, or other persons whomsoever, and therein to answer and be answered ; and also all other things to do and receive, as other the liege men of us and our heirs do, or shall be able to do in future. And moreover, of our abundant grace, and for the perpetual continuance of the Almshouse aforesaid, and also for the relief and sustentation, as well of the said Warden and Confrater and their successors, as of divers poor of each sex there, in like manner, according to the ordinance of the said Thomas, or of his executors, or of any or either of them, to be founded and sustained, and in like manner, in the form aforesaid to pray, and for other burthens and works of charity, according to the ordinance of the said Thomas, or of his executors, or any or either of them, to be supported, We do will, grant, and give licence, for us and our heirs, by these presents, that the said Thomas or his executors, or other persons whomsoever, or any or either of them, after the Almshouse aforesaid shall be so made, founded, created, erected, and established, shall be able to give, grant, alien or assign, to the aforesaid Warden and Confrater, and their successors, lands, tenements,

rents, and other possessions and hereditaments whatsoever to the annual value of fifty marks, beyond reprises, not immediately held of us in capite ; to hold to them and their successors for ever : And in like manner we have granted and given special licence to the said Warden and Confrater and their successors, that they, those lands, tenements, rents, possessions, and hereditaments, of the said Thomas, or his executors, or of any other persons whomsoever, shall be able to receive ; to hold to them and their successors for ever, by tenor of these presents, without any fine or fee therefor, to us or our heirs, or to the use of us or our heirs, for the premisses, or any part of the premisses, to be paid or rendered : but so nevertheless, that it shall be found by inquisitions thereupon taken, and in the Chancery of us or our heirs duly returned, that it may be done without damage or prejudice of us or our heirs, or of others whomsoever, and without impeachment, impediment, or perturbation of us or our heirs, Justices, Escheators, Sheriffs, Coroners, Bailiffs, or other Officers, or Ministers of us or of our heirs, whomsoever, the statute made concerning the not putting lands and tenements in mortmain, or any other statute, act, or ordinance, to the contrary made, enacted, or ordained, or any other thing, cause, or matter, whatsoever, notwithstanding. In witness whereof, we have caused these our letters to be made patent. Witness myself at Westminster, the 28th day of November, in the 9th year of our reign.

JAMYS.

“By writ of privy seal, and of the date aforesaid, by authority of Parliament for fifty pounds paid into the Hanaper.

Inrolled.”

Indorsed on the Patent of 9th Henry VII. :—

Memorandum.—That the 5th day of February, in the 9th year of the reign of King Henry VII., John Coton, Warden, and William Hawkyn, Confrater, of the Alms-house of William Browne of Staunford, within written, purchased, by pretext of this licence, from Thomas Stokke, Clerk, the manors of Swafeld and North Withome with the appurtenances and other lands and tenements, to the value of 30*l.* per annum; to have and to hold to them and their successors, Wardens and Confraters of the Almshouse aforesaid, for ever, in part satisfaction of the 50 marks, of lands, tenements, &c., per an. within written."

The deed of feoffment of lands in trust (3 Hen. VII.) has shown us how liberally William Browne endowed his hospital—a noble settlement, proceeding from a noble heart.

Ecclesiastics were in those days, as now, very tenacious of their parochial rights; for in the early part of that same year (5th Feb., 1488), a dispute in connection with the new foundation having been arbitrated, John Russell, Bishop of Lincoln, confirmed an agreement between the Abbot of Croyland (Patron of St. Michael's) and the Prioress of St. Michael's Little Wirthorpe (Patroness of All Saints') for payment of a certain indemnity.

Thomas Madew, Rector of St. Michael's Church, on the plea that the Hospital was in the parish of St. Michael, laid claim to the spiritual care of the inmates and the advantages attending it. Henry Wykes, on the other hand, Vicar of All Saints', maintained that the almshouse was within his parish. We can fully understand that William Browne intended to connect the foundation with his own parish, All Saints', the church of which, first his father, then himself and brother, had so bountifully restored; and that he was

much grieved to find a disagreement upon a matter comparatively so trifling. To remove the difficulty, he at once offered to assign a payment of six shillings and eightpence yearly, out of the rents of an inn in St. Mary's Street, called "le Aungell supra le Hoope,"* belonging to the Hospital, to Thomas Madew and his successors for ever, in full satisfaction of all spiritual claims against its inmates; the rector receiving five shillings in lieu of his rights, and the churchwarden twenty pence for keeping the fabric of the church in order.† The bishop takes the opportunity of first commending William Browne, not only for having built and created the Hospital at his own cost and expense, but also for having "given and conceded an annual rent of six shillings and eightpence, and so secures a peaceful end to a troublesome grievance by admitting, authorising, and confirming the proceedings in a happy arbitration."

Curiously enough, the Hospital buildings stood in both the parishes; the chapel and eastern side of the court being in St. Michael's and the rest in All Saints'.

The Hospital being now in every way ready, Thomas Stokke appointed John Coton first Warden, and William Hawkyns first Confrater, and placed within it ten poor men and two women. He also issued certain statutes, dated 9th Oct., 1495, for the due management of the charity. The following highly interesting document ‡ gives full particulars of its formal opening, and the rules and regulations under which it was conducted:—

"To all Christian people to whom this writing shall come, Thomas Stokke, Clerk, Canon of the Cathedral

* Afterwards called the "George and Angel," now the property of Mr. Todd Newcomb, and occupied by Mr. Willcocks, ironmonger.

† See Agreement in Appendix.

‡ For Latin document see Appendix.

Church of York. I, the aforesaid Thomas Stokke, by virtue and authority of Letters Patent of our Lord, now King Henry VII., by a certain writing of mine, sealed with my seal, given at Stamford the twenty-second day of the month of December, in the year of our Lord 1494, and in the year of the aforesaid Lord King the 10th. Forasmuch as I have really made, ordained, founded, and established for ever, to endure and to remain, an Almshouse at Stamford, to have one Warden, a secular Chaplain, and one Confrater of the same House, also a secular Chaplain, according to my ordinance, or the ordinance of my executors, or of any of them in this part to be had, to celebrate Divine service for ever; and to pray for the good estate of our Sovereign the King, and of Elizabeth his wife, Queen of England, and of Regnold Bray, Knight, and Catherine his wife, and of me the said Thomas Stokke, of William and Elizabeth Elmes, while we live; and of our souls when we shall have departed this life, and especially for the souls of William Browne and Margaret his wife, and for the souls of all the faithful departed. And I have assigned, ordained, and appointed my well-beloved in Christ, John Cotton, a Secular Priest, to be first Warden of the said Almshouse, and William Hawkyns, a Secular Priest, also to be first Confrater of the said Almshouse; and have brought in and placed them the Warden and Confrater in the actual possession of the aforesaid Almshouse; and furthermore in this behalf, by virtue and authority of the aforesaid Letters Patent, by a certain writing of my own, I have decreed, made, and ordained certain ordinances concerning that Almshouse, as it further appears in the said writing of mine own, concerning the foundation of the aforesaid Almshouse, I have reserved unto myself, during my life, over the said Almshouse, the Warden, and Confrater of the same and their

successors, and also over the profits, revenues, or possessions, or what things soever are bestowed, or hereafter to be bestowed, upon the same Warden, Confrater, or their successors, a full power and absolute authority of further ordering, publishing, interpreting, and declaring and also of making, establishing, and ordaining any other ordinances whatsoever; and likewise of subtracting and altering ordinances made at the pleasure of me the said Thomas Stokke; over which work I, the aforesaid Thomas Stokke, desirous to bring to its due end that which was so well begun, have ordained certain honest and reasonable statutes and ordinances, hereafter to be observed by the aforesaid Warden and Confrater, and their successors, and also by the twelve poor of both sexes, mentioned in my aforesaid writing as to the foundation. The which Statutes and Ordinances are known to be hereafter necessary and profitable, not only for the governing of the Warden, Confrater, and their successors, and of the twelve poor of both sexes; but also for the possessions and goods of the said Almshouse, now had, or hereafter to be had, and also profitable for the increase of God's worship, and for the prosperity of the living and the salvation of souls departed, the name of Christ being first called upon for an everlasting and perpetual mercy, and therefore I come unto them in this manner." *

* Mortmain licence, Thomas Stokk, receipt of money for licence of a statute mortmain :—"This bille made at Westm^r. the xxij day of November, the ixth of our Souvayn Lorde King Harry vijth, witnesseth that Sir Thomas Lovell Knight hath received by the hands of Mr. John Heron of Master Thomas Stokk two hundreth markes sterling, to the use and behove of our forsaid Souvayn Lorde for a fyne of a licence of mortemayn of the som of yerly charge of L Mis for an Almshouse of Will^m. Brown of Stamford. In witnesse hereof I the forsaid John Heron hereunto this writing have subscribed my name and set my seale the daie and yere above.—JOHN HERON.

Cxxxiiij^{li} vjs viij^d."

(Seals, on which is a bird.)

STATUTES OF BROWNE'S HOSPITAL.*



I. STATUTES TO BE STRICTLY OBSERVED.

I will, determine, and ordain that all Statutes and Ordinances, contained in the aforesaid writing concerning the foundation of the Almshouse, by me in the same writing of mine published, made, and ordained, be never hereafter infringed, but stedfastly holden and inviolably observed for ever. Also, I will, appoint, and ordain that, in a certain capital messuage with a Chapel and other buildings in Stamford upon Claymont, there be for ever a certain Almshouse, commonly called "William Browne's Almshouse," for the invocation of the Most Glorious Virgin Mary and of All Saints, to the praise and honour of the Name crucified; in which said Almshouse I will, appoint, and ordain by these presents that, hereafter, for ever there shall be there one Warden and one Confrater, and also twelve poor of each kind or sex, viz. ten men and two women, under the reasonable rule and governance of the Warden and Confrater and their successors, that they may pray for the good estate and the souls of the aforesaid; the which poor men and poor women I will that they be single and not married.

II. THE OATH OF THE WARDEN OR CONFRATER.

And furthermore, I will, appoint, and ordain that he that shall be admitted to be Warden or Confrater of the aforesaid Almshouse shall, on his first admission, publicly, in the aforesaid Chapel of the Almshouse, before me the aforesaid Thomas Stokk, whilst I live,

* For Latin Statutes see Appendix.

and after my death before my nephew William Elmes, and after the death of us both before the Dean of Stanford for the time being, or at least before the Vicar of All Saints' in the Market Place for the time being, and before the poor of the same House for the time being, laying his hand upon the holy Evangelists of God, swear personally under this form :—

I [John Cotton], now to be admitted Warden or Confrater of the Almshouse of William Browne in Stamford, do swear that I will, to the utmost of my power, in all things procure the utility and profit of the said House, and will not reveal the secrets of the said House, to the damage and prejudice of the same. Also, that I will hold and inviolably observe, as far as concerns me, all the statutes and ordinances belonging to the said House, after the plain, literal, and grammatical understanding of them ; and to the utmost of my power I will cause them to be kept and observed by others ; and that I will not admit any other Statutes and Ordinances, Interpretations, Counterfeits, Injunctions, Declarations, or other Expositions impugning, repugnant to, derogating, or contrarying these present ordinances and statutes, or the true meaning of any of them, to be made by any than by the consent and will of the founder aforesaid ; nor will I consent unto them or any way allow them ; nor will I at any time obey them, nor in any manner use them or any one of them within the aforesaid Almshouse or out of it, secretly or openly. Also, that I will not be a backbiter, secret whisperer, or railer, or a provoker of hatred, anger, discord, envy, contumely, brawling or any manner of chidings whatsoever ; Nor will I unlawfully carry on conspiracies, confederations, or illegal bargains against the ordinances and statutes of the said House, or to the prejudice or inconvenience of any one

dwelling in the same House ; Nor will I (as far as in me lieth) hereafter procure or permit them to be done by others in any way whatever, nor will I, to any such things or to any one of them, lend or give council, help, or favour ; and that, so far as I am able, and so much as belongeth unto me, I will, by all ways and means possible, conserve and cause by others to be conserved and kept the tranquillity, peace, profit, commodity, and honour of the said Almshouse, and the unity of all dwelling therein. And that I will faithfully observe all and each of the Ordinances and Statutes of the said House so far as they me concern ; otherwise, without any manner of opposition, I will undergo willingly and submit myself to the penalties to be inflicted, and also ordained for the offender in the premises, or in any of the Ordinances and Statutes of the said House ; and I will faithfully observe them according to the true force, form, and effect of the ordinances and statutes of the aforesaid Almshouse. All these things I will in my own person faithfully observe, so help me God and these Holy Gospels of God.

III. THE OATH OF THE POOR BROTHERS AND SISTERS.

Also, I will, decree, and ordain that every poor person of either sex to be hereafter admitted to the aforesaid Almshouse, on his or her first admission, publicly in the aforesaid Chapel, before me the aforesaid Thomas Stokk, so long as I live, and after my death, before my nephew William Elmes during his life, and after the death of us both before the Dean of Stamford for the time being, or at least before the Vicar of the Parish of All Saints in the Market Place of the aforesaid Town for the time being, and before the Warden, the Confrater, and the rest of the

poor of the said Almshouse, laying his or her hand upon the Holy Gospels, shall personally swear after this form :— I, A. B., depose and actually swear by these Holy Evangelists, which I bodily touch, that from henceforth I will not show nor outwardly disclose the secrets and counsels of this Almshouse, to the hurt and prejudice of the same ; and I will well and truly keep and observe, to my power, all the laudable ordinances and statutes of the aforesaid Almshouse, as much as to me appertaineth : So help me God and all the Holy Saints by this Holy Book.

IV. GENERAL ELECTION.

And further, I will, decree, and ordain that when and as often as in time to come, after my death and after the death of my aforesaid nephew, it shall happen, that any one— Warden, or Confrater, or of the twelve poor of the aforesaid Almshouse, depart or be removed from the aforesaid House, for any cause for which he ought to be removed according to the Ordinances, Statutes and Constitutions made or hereafter to be made by me, the aforesaid Thomas Stoke, for the rule, government and direction of the aforesaid Almshouse, or by any other manner shall be removed from the said House, or from thence shall wholly by free will depart, that, then and so often, the Dean of Stamford for the time being, and the Vicar of the Parish Church of All Saints in the Market Place of the town of Stamford for the time being, shall, within fourteen days next following after the departure and removal, nominate, appoint, admit and forthwith put into actual possession another fit person, in the room of the Warden; Confrater, man or woman so departing, removed or wholly leaving. And, moreover, I will and order, by the tenor of these presents, that

if hereafter it shall happen that the foresaid Dean, or Vicar, or their successors, within fourteen days after any Warden, Confrater or poor person of the said Alms-house shall depart, or be removed, or expelled from the said House, or shall voluntarily depart thence as permission is given, in that case shall not have named, appointed, admitted and placed in actual possession another sufficient person, in the place of him or her so departing, removed or removing; that, then and so often, the heirs of the said William Browne and their heirs, within other fourteen days then immediately following, shall name, appoint, admit and put into actual possession, for that time only, a fit person in the place of the last Warden, Confrater or poor person so departing, removed or willingly retiring, and of the same sex. If not, then the Alderman of Stamford and Abbot of Croyland. If not, then the Bishop of Lincoln. And if not, then the Dean and Vicar and so forward *in infinitum*.

V. FORM OF ADMISSION.

And, furthermore, I, the aforesaid Thomas Stokk, will and ordain by these presents that every nomination, constitution, admission and placing of every Warden and Confrater of the aforesaid Almshouse, be done and granted to each of them, the Warden and Confrater, by a writing formally made and sealed, to have and to hold unto himself, for the term of his life, according to the Ordinances, Statutes and Constitutions hereafter specified. Also that every nomination, appointment, admission and placing of each of the ten poor men and two poor women of the aforesaid Almshouse, hereafter to be made; let it be done by word of mouth only, to have and to hold unto

themselves for the term of the life of every one of them, according to the Ordinances, Statutes and Constitutions in this behalf made and hereafter specified.

VI. GENERAL CORRECTION.

And, furthermore, I will, decree and ordain by these presents, that if any of the aforesaid, Warden, Confrater and twelve poor or their successors for the time being, be or shall be a waster, destroyer, or consumer of the goods of the said Almshouse, or notoriously perjured in not observing any of the Statutes going before or hereafter following, or if he be or shall be an open fornicator, or adulterer, or incorrigible, or unduly and habitually a frequenter of a tavern or taverns, or a keeper or breeder of hawks and hounds, a common hawk or hunter; or an intolerably offensive, to the blemish of the said Almshouse, or a provoker of hatred, anger, discord, envy, contumely, strife, brawling, or quarrels of any kind; or be notoriously known as guilty of any notable crime which may bring discredit upon the said Almshouse; and being thus notoriously known, and hath not lawfully cleared himself of what is so known, or cannot clear himself of the same, or otherwise shall be convicted thereof, or any one of them, before his ordinary, let him forthwith *ipso facto* be removed and expelled from the aforesaid Almshouse, and from that time forward let him want all his advantages in the same.

VII. AGAINST MANUAL WORKS.

Also, I will and ordain by these presents that no poor man or woman of the said Almshouse, after his or her admission into the same, shall occupy himself or herself in any servile manual or labouring work, or in any manner

carry on the same publicly or privately, save when they are so engaged for the repairing and mending their own necessities; and even that let it be done secretly in their own rooms at especially fitting times, to be allotted and assigned by the aforesaid Warden and Confrater.

VIII. THE POOR TO BE ELECTED, AND THEIR CONDITION.

And, furthermore, I will and ordain by these presents that they, to whom, by my present ordinance, it shall pertain after my death to prefer any poor man or woman to the aforesaid Almshouse, when the place of any one shall be vacant, admit only a fit person (all inordinate affection and corruption of entreaty and bribe put aside), one who is lowly, devout and poor, and not having any other way of getting a living, and who knows thoroughly the *Lord's Prayer*, the *Angelic Salutation*, and the *Apostles' Creed*.

IX. CONCERNING THE INFECTED.

Furthermore, I will and ordain that no leprous man or woman be admitted or placed in the aforesaid Almshouse. And if any one of the aforesaid Almshouse, after admission thereto, shall become leprous, or infected by any other infirmity repulsively noisome to his or her fellows, he or she ought to be removed by me, the aforesaid Thomas Stokk, during my life, and, after my death, by my nephew William Elmes during his life, and after the death of both, by the Dean of Stamford and the Vicar of the Parish Church of All Saints in the Market Place of Stamford, for the time being, lest he infect or be horribly loathsome to his healthy fellows. And let him betake himself to some other place where he may be admitted, and during his or her life, let him or her receive their daily allowance

by this present ordinance granted and assigned to them for their relief, and I will that he or she be reputed as one of the number of the aforesaid House for his or her life.

X. OF ABSENCE.

Furthermore, I will, decree, and ordain by these presents, that neither the aforesaid Warden, nor any one of his successors, Wardens of the Almshouse aforesaid, nor the Confrater aforesaid of the aforesaid House, nor any one of his successors, shall in any manner absent himself hereafter from the aforesaid House for one whole month in the year, continuously or by broken periods, without my leave whilst I live, and, after my death, without the leave of my nephew William Elmes, and, after the death of us both, without the leave of the Vicar of the Parish Church of All Saints in the Market Place of Stamford, and then only for honest and fitting causes. Provided always either the Warden or Confrater, and so with their successors for the time being, be personally resident in the aforesaid Almshouse, for the keeping and preserving good government in the House, so that both be not absent at the same time. And that none of the twelve poor of the aforesaid Almshouse in any manner absent themselves hereafter from the same for one whole day without the leave of the Warden of the said House, for the time being, if he shall be present; or in his absence without the leave of the said Confrater for the time being; the which Confrater I will that he always be, in the absence of the said Warden, sub-Warden or Deputy of the said Warden. And that his leave be not granted unless pressing necessity require, or some reasonable cause, approved of by the same Warden or Confrater, urge it.

XI. MUTUAL HELP.

Furthermore, I decree and ordain that the sick, weak, and helpless poor of the said House be very diligently looked after and helped with all necessities daily by their fellows who are healthy and strong, and especially by the women of the said House for the time being.

XII. GENERAL EXERCISES.

Also I decree and ordain by these presents that on every weekday one, either the Warden or Confrater, shall, all excuses laid aside, say Mass in the aforesaid Chapel of the aforesaid Almshouse, at seven o'clock in the morning or near thereto; at which Mass, let all the poor of the aforesaid House be bound to attend; and that the other shall celebrate his Mass every weekday in the Parish Church of All Saints in the Market Place of Stamford, in the Chapel of the Blessed Virgin Mary. And that, on every Lord's Day or Festival Day, both the Warden and Confrater shall celebrate Mass in the aforesaid Church of All Saints in the Market Place of Stamford, where I will and ordain that they be then attending, and assisting in the Choir of the said Church, at the High Mass in the morning, and at both Vespers and Compline, unless a reasonable cause hinder. Provided always, that if it happen that any of the twelve poor be so cast down by infirmity or weakness, that he or she shall not be able to come to the said Church upon Festival Days, I will that then one, either the Warden or Confrater, celebrate and say his Mass in the aforesaid Chapel of the Almshouse aforesaid, upon such Festival Days, to the spiritual refection of the afflicted one.

XIII EXERCISE OF CUSTOS AND CONFRATER.

I also decree and ordain that, daily throughout the year at two o'clock in the afternoon, the said Warden and Confrater say by turns, in the said Chapel of the aforesaid Almshouse, for the souls of the aforesaid William Browne and Dame Margaret his wife, also for the souls of me the said Thomas Stokk and of William Elmes, when we shall have been taken away from this life, and for the souls of our parents and benefactors, and all the faithful departed, Holy Services for the dead, viz. the "*placebo*" and the "*dirige*" with the accustomed Psalms and Collects; and, they so finished and said, let the aforesaid Warden and Confrater say by turns the Psalm "*de profundis*," with this prayer following: "Incline, O Lord, thine ear to our prayers, whereby, we as suppliants earnestly pray for Thy compassion, that Thou wouldest absolve the soul of Thy servant William Browne, and of Margaret his wife, the souls of Thy servants, me Thomas Stokk and William Elmes, when we shall have departed this life, and the souls of all the faithful dead, from every bond of their sins, that, in the glory of the Resurrection among the Saints and Thy Elect, they may peacefully be refreshed through Christ our Lord. Amen. May they rest in peace. Amen." And that then every one of the said twelve poor say, for the souls of the aforesaid, the *Lord's Prayer* once, with the *Angelic Salutation* and the *Apostles' Creed*. And also that the said Warden and Confrater, and the Wardens and Confraters their successors, shall every Wednesday and Thursday say the "*Requiem*" Mass for the souls of the aforementioned, in place and manner above said, if a reasonable cause do not hinder.

XIV. EXERCISES OF THE POOR.

Furthermore, I decree and ordain that each of the twelve said poor and their successors, for the time to come, so long as they live, every day in the morning when they have risen from their beds, and again in the evening when they retire to rest, shall in the said Chapel, kneeling on their knees, say the *Lord's Prayer* five times, the *Angelic Salutation* five times, and the *Apostles' Creed* once, with special and mindful commendation of the souls aforesaid, in manner aforesaid, unless, it may be, any one of them, through infirmity or weakness of body, shall not be able to come into the aforesaid Chapel. Let such an one, nevertheless, be bound to say the same prayers in his or her chamber, while he or she cannot get to the Chapel. And that each of the said poor men, at other vacant and more convenient hours every day, should he not be hindered by weakness or by any other lawful or reasonable cause, say for the welfare of the souls of the above-named, *three* Psalms of the glorious Virgin Mary ; and both the said poor women, on account of their close occupation in serving the rest of their fellows, shall be bound to say *two* Psalms of the Blessed Mary every day at least. Also, I will that daily, morning and evening, the aforesaid *Lord's Prayer*, *Angelic Salutation*, and *Apostles' Creed*, in the Chapel aforesaid, said and finished, one of the same poor men, a senior of them, shall say openly in English : “ God have mercy upon the souls of William Browne of Stamford, and Dame Margaret his wife, and (after my death), on the soul of Mr. Thomas Stokk, Founder of this Almshouse, the souls of their fathers and mothers, and all Christian souls.” And I will that all the rest of the poor answer, “ Amen.”

XV. RESIDENCE.

Furthermore, I will and ordain that the aforesaid Warden, Confrater, and twelve poor, and their successors, all and every of them, shall be required to inhabit and continually to reside within the aforesaid Almshouse and its precincts, as do other poor commonly reside, or are held to reside, in like Almshouses and Hospitals. And that each of the ten said poor men have in the said Almshouse, at the discretion of the said Warden, or in his absence of the Confrater, one room separate to himself there to remain and only to lodge; and the said two women shall have a room common to them, there to remain and lodge together.

XVI. THE SEAL AND COMMON CHEST.

And further, I will, ordain, and appoint, that the aforesaid Warden, Confrater, and successors have a common seal and a common chest for themselves and for the said twelve poor; in the which chest the said common seal, also papers, letters, privileges, writings, and treasures of the said Almshouse may be placed and guarded; which chest, let it be placed and guarded in a secret and safe spot within the precincts of the said House. And for the same chest let there be three keys always, each key having its own special lock; of which keys one shall be in the keeping of me, Thomas Stokk, while I live, and at my death in the custody of the Vicar of the aforesaid Church of All Saints for the time being; and another of the same keys in charge of the Warden of the said house for the time being; and one of the ten poor men for the time being, well known for his discretion and moral bearing, shall have charge of the third key. So that no one of them presume to hold all three of the said keys, or two

of them together, nor shall anything be sealed with the common seal aforesaid without the consent of all the keepers of the aforesaid keys for the time being.

XVII. THE INVENTORY.

Also, I appoint and ordain by these presents that the Warden of the aforesaid House, for the time being, have for ever the government and rule of the House, and of the Confrater, and of the aforesaid poor for the time being, also the administration of all rents and goods of the aforesaid House. And that immediately after the from time to time admission, or preferment, of any future Warden into the aforesaid House, the same Warden, before he meddle with or have any administration of the said House, let him make a full and faithful inventory of all goods of the same House, found there at the time of his promotion or admission, in my presence, while I live, or of my deputy in this behalf; and after my death in the presence of my nephew William Elmes, or his deputy herein; and after the death of both of us in the presence of the Vicar of All Saints in the Market Place for the time being, or of his deputy herein by the said Warden required, and of two of the more discreet of the poor men.

XVIII. THE ACCOUNT.

I will also, ordain, and appoint by these presents that every Warden of the aforesaid House for the time being, every year, within one month after the Feast of St. Michael the Archangel, be bound to render a faithful account of all his administration of, and in, the revenues and goods of the said Almshouse, before me, the aforesaid Thomas Stock, while I live, or my certain deputy; and after my decease

before the aforesaid William Elmes, my nephew, or his certain deputy; and always before the Vicar of All Saints in the Market Place of Stamford for the time being, or his certain deputy; and also before the Confrater of the aforesaid House, also before two of the more discreet poor men of the same House; the which said Vicar I ordain and appoint Chief Supervisor of every Audit. And I appoint, ordain, and assign by these presents the same Vicar for the time being, for his labour in the premises, yearly to receive and have five marks of lawful English money out of the surplusage of the revenues of the said House, after the necessary charges of the same House, if the surplusage of the rents of the said House will extend so far (but if they be too little, then as far as the surplusage shall happen to extend at the keeping of every such audit), by the hands of the said Warden for the time being, if he, the Vicar, shall be diligent for the augmentation of their yearly maintenance, having duly commended to God the souls of the aforesaid William Browne and Dame Margaret, his wife, and also the souls of me, Thomas Stokk, and of my nephew, William Elmes, when we shall have departed this life, and of the souls of our parents, and of our benefactors, and of all the faithful departed. But if the said Vicar shall be (which God forbid) negligent in the premises, and shall not show himself diligent in performing the premises, then I will that his aforesaid pension of five marks be altogether kept from him by the aforesaid Warden for the time being, and, for that turn, let one half of his pension be given to the Dean of Stamford for the time being, that he may undergo the labour and faithfully execute with effect the business of the said Vicar in the premises, but the other half of the aforesaid pension shall be reserved for the necessary uses of the aforesaid Almshouse, and so yearly, so often as the aforesaid Vicar

be remiss. And this said, and it having been yearly done and completed, I will then that the same Warden for the time being, in the presence of the keepers of the aforesaid keys for the time being, be bound to place and lock up in the common chest a book of his said Audit for that year, and all the money remaining overplus of the revenues of the said House, over and above the charges of the same, and over and above the pension assigned as aforesaid ; for the certain satisfaction of such as are there then present, and for the memory of those coming after them, to be kept in safe custody, that, out of such money so remaining overplus, the necessary repairs of the said House whenever they shall happen, and other ordinary charges falling upon and happening to the same, may be better done, and the expense thereof better met.

XIX. NOT HOLDING ANY OTHER BENEFICE.

Likewise I appoint and ordain that it shall not be lawful for the aforesaid Warden for the time being, nor for the said Confrater there for the time being, to mix up his office, or service, in the aforesaid House with any benefice, dignity, or ecclesiastical office, or to obtain or hold any other benefice or ecclesiastical office, or farm, or other promotion whatever (whereupon he shall be able to live comfortably) with the same office or place in the said Almshouse. But that immediately after the said Warden, or the said Confrater there, shall have obtained any other benefice or ecclesiastical office, with cure or without cure, or farm, or any other promotion whatever (whereupon he may be able to live comfortably), that then he shall be bound, *re, nomine et verbo*, to resign the office of Warden and service of Confrater in the aforesaid Almshouse, and from thence be utterly removed

without any let or contradiction whatever. And that then immediately another new Warden, or another Confrater, in the aforesaid Almshouse, be elected and preferred in the place of him so removed or resigning, according to the form formerly laid down by me, and so shall it be so often as a suchlike case shall happen.

XX. WHAT MAY BE RECEIVED BEYOND STIPEND
OF THE HOUSE.

Also I will and ordain by these presents that in case, and as often as, any one of the said twelve poor of the Almshouse come into a living of four marks a year *de claro* by inheritance, or in any other way shall be increased to such a yearly revenue over and above his or her former allowance, that then, and so often, *ipso facto* such poor person, so advanced or increased, be entirely removed from the aforesaid Almshouse, and that another poor person in his or her place shall forthwith be provided for the same Almshouse, and placed in the same after the form aforesaid. Also, I will and ordain that if any one of the aforesaid poor, after admission to the aforesaid House, be increased above the sum of twenty shillings *de claro*, and under the sum of four marks in revenues and advancements, spiritual or temporal, or in any other way, that then one half of the true value of such living to which he or she is so increased be every year, without guile or fraud, placed in the said common chest of the aforesaid Almshouse, there to remain that it may be converted to the use of the said Almshouse when so required; and that the poor person so augmented may obtain or have the other half thereof, together with the portion of a poor person of the same House hereafter assigned. Otherwise he or she who shall not have observed

the present ordinance, let him or her forthwith be removed from that aforesaid Almshouse, and from all profits of the same, and let another poor person in his or her place be provided for the same Almshouse in form aforesaid.

XXI. CONCERNING THE DUTY OF THE WOMEN.

And furthermore, I will and ordain that the women of the aforesaid Almshouse for the time being be and carry themselves as the Dames of the said House, and so bear themselves in washing and other things befitting honest women, and (so far as is decent), be altogether attentive and useful to the aforesaid poor men in their necessities.

XXII. WHO SHALL CORRECT MISDOINGS.

And moreover, I will and ordain by these presents that the defects of the said Warden, and of the said Confrater of the said Almshouse for the time being, be reformed and corrected or punished by me, the aforesaid Thomas Stock, whilst I live, and after my death by my aforesaid nephew, William Elmes, during his life, and, after the death of both of us, by the said Dean of Stamford and the Vicar of the Church of All Saints in the Market Place of the aforesaid town for the time being, viz. as well by taking away the pension of them, the Warden or Confrater, for a week, either more or less, according to the quantity and quality of their offences at the discretion of the correctors aforesaid, as by depriving and removing them, the Warden or Confrater, or either of them, from their office and service, pension, interest and place which he had in the same House, if the pertinacy of one or other of them require it.

XXIII. OF ANY INFIRMITY OF THE WARDEN OR
CONFRATER.

Also, furthermore, I will and ordain that when the said Warden, or said Confrater, of the aforesaid Almshouse for the time being, through their own negligence or ill government, happen to fall or come into any long sickness, so that the Masses or other Divine Services, cannot, at least in time of their infirmity, be celebrated by the Warden or Confrater, that then another fit and honest Chaplain be provided during their sickness, at the cost of the aforesaid Warden, or the said Confrater, thus disabled by sickness, out of the pension belonging to him in the aforesaid Almshouse for saying Masses and other Divine Services, which do and ought to attach to the said Warden, or the said Confrater, of the said Almshouse, as long as such infirmity endure or be found in him. And if, and so soon as, the said Warden, or the said Confrater, of the said Almshouse shall recover from his sickness, that then he shall cease from his exhibition to the said Chaplain, and he, who was before sick and is now restored to health, let himself celebrate the Masses and other Divine Services, and undertake and perform, as becomes him, the cure and duty imposed on him.

XXIV. THE SEVERAL SALARIES.

Also, I will, appoint, and ordain that the aforesaid Warden of the aforesaid Almshouse shall have and receive from the revenues of the said Almshouse, for his salary, stipend, or pension, ten marks of lawful English money, to be paid by his own hands ; and the said Confrater of the same House for the time being, to be yearly had and received for his labour or pension, by the hands of the said Warden for the

time being, eight marks of lawful English money at the four usual periods of the year, viz. : at the Feast of St. Michael the Archangel, at Christmas, at Easter, and at the Nativity of St. John the Baptist, in equal portions. Also, I will that every man and woman of the said twelve poor have and receive by these presents out of the revenues of the said Almshouse, by the hands of the said Warden for the time being, seven pence of lawful English money for their maintenance, to be paid at the end of every week without any delay.

XXV. CHEST FOR VESTMENTS.

Moreover, I will and ordain that the said Warden, Confrater, and Poor, have, in the aforesaid Almshouse, another chest for the chalices, vestments, ornaments, and other goods of the said Almshouse, guarded by two keys and two locks ; of which keys I appoint by these presents that one of them remain always with the Warden or Confrater for the time being, and the other with one of the most discreet of the aforesaid poor men, to be elected by the same poor.

XXVI. THE MOIETY OF GOODS.

Also, I will and ordain that every one of the aforesaid Warden, Confrater, and twelve poor for the time being, at their departure by death, leave, for the benefit of their souls, one half of all their goods for the repairing and supporting of the aforesaid Almshouse, and for defraying other charges belonging thereto ; the which half, or the true and just value of the same, I will that it be always kept in the said chest under three locks, with three several keys, until there shall be need thereof to meet the necessary charges of the said Almshouse.

XXVII. BREAD, WINE, AND WAX.

Also, I will and ordain that as well the aforesaid Warden as the Confrater of the aforesaid Almshouse for the time being shall provide and exhibit bread, wine, and wax for light, out of their own stipend, for Divine Services to be celebrated and performed by them, as well in the aforesaid Parish Church as in their Chapel aforesaid.*

XXVIII. SHUTTING THE GATES.

I moreover appoint and ordain by these presents that every night, from the first day of the month of May to the first day of the month of September, at eight o'clock, or soon after, and at all other times of the year at seven o'clock, the great gate of the aforesaid Almshouse, and also all other ward gates of the same House, be shut and firmly locked; and that they remain so closed and locked until the break of the day following; and let the keys of the gates every night remain and be in the custody of the aforesaid Warden of the House for the time being, when he shall be present, and, during his absence, in the custody of the Confrater.

XXIX. ABSENCE.

Further, I decree and ordain that neither the Warden nor the Confrater, nor any one, male or female, of the twelve poor of the aforesaid Almshouse, be or tarry any night in the aforesaid town of Stamford, or elsewhere within a mile of the said Almshouse, without leave asked and

* "We begin to burn candle from Michaelmas Day till Candlemas, and have 12 lbs., whereof 9 pound for the lamp, the rest for the Warden and Confrater—4 candles for the pound will serve 18 weeks, i. e. from Michaelmas to Candlemas."

obtained of me, the aforesaid Thomas Stokk, during my life ; and after my decease, not without the leave of William Elmes, my nephew, during his life ; and after the decease of us both, not without permission of the Warden for the time being ; and not the Warden himself without the leave of the aforesaid Vicar of the Parish Church of All Saints on the Market Place for the time being. And if anyone of the twelve poor shall do contrary to this, for the first night let them lose a week's pension of the said Almshouse, for the second a fortnight's, and for the third a month's pension ; and after that, if he or she be found guilty of constant breach of the rule, let him be for ever after excluded from the said Almshouse, which I decree by these presents to be inviolably observed for ever.

XXX. EXCHANGE OF LANDS.

Also, I decree and ordain that it shall not be lawful for the aforesaid Warden and Confrater, nor for their successors, in any manner to remit, release, alter, give in exchange, or mortgage, any of the lands, tenements, meadows, feedings, pasturages, goods, mills, with ail and singular their appurtenances now had, or hereafter to be had, or any part of them, or any ways to alienate them, or hereafter to convert them into other uses than are above named, except it shall be by way of exchange which shall turn to the great profit of the said House, and even then never without the leave and consent of me, the aforesaid Thomas Stokk, while I live ; and after my death, without the leave and consent of the aforesaid William Elmes, my nephew ; and after the death of us both, without the leave and consent of the aforesaid Dean and Vicar for the time being. And the same the Warden or Confrater of the aforesaid Almshouse,

or their successors there for the time being—if any one of them shall do contrary to the force, form, and effect of this last but one statute, I will that then that act shall be null and void; and that then forthwith the aforesaid Warden and Confrater, so by that act infringing this same statute, be wholly removed from the Almshouse aforesaid, and from all his profit in the same; and in his place let another Warden or Confrater be preferred to the Almshouse in manner and form abovesaid.

XXXI. READING THE STATUTES.

I will, also, and ordain, that four times in the year, viz. the day after the Feast of the Purification of the Blessed Mary, the day after the Ascension of our Lord, the day after the Assumption of the Blessed Mary, and the day after the Feast of Saint Michael Archangel, in the Chapel of the aforesaid Almshouse, in the presence of the Warden and Confrater, and also of all the poor of the same Almshouse, all and each of the Ordinances and Statutes of the said Almshouse be publicly and distinctly read. And also that they be recited and declared in the vulgar tongue to the said poor by the Warden or the Confrater. And that no poor man or poor woman of the aforesaid Almshouse be absent from the reading and rehearsing of these Statutes, save some fitting cause prevent, under the penalty of losing or having his pension kept back for fifteen days.

The following is found at the end of a translation of the Statutes in possession of the Hospital. The original in Latin I have not seen :—

“XXXII.—And I will that these present Rules, Ordinances, Constitutions, and Statutes thus penned and duly published by me, the aforesaid T. S., to the praise of God and

the glory of the Most Blessed Virgin Mary, His Mother, and of All Saints, and to the augmentation of God's worthiness, and to the prosperity of the living and the utility of the lands, and also to the profit of the aforesaid Almshouse, be effectually and perpetually to endure and to obtain unchangeable.

"These, therefore, through the grace of God so soundly ordained, I command a religious obedience therein to the Warden, Confrater, and to all and every one of the poor living in the same. And I commend unto them the league of unity and the bond of perfect charity. Moreover, in the bowels of Christ I exhort all the poor of both kinds that they have mutual love amongst themselves in Christ Jesus our Lord, that they pray for the souls of the forenamed. And that they so live and commune that, after this life ended, they may come to the House of the Kingdom of Heaven, which, by the word of the Lord, is promised to the Poore. Amen. Amen.

"Reserving to myself, &c. Dated and sealed at Stamford, Oct. 9. 14 Regis Henrici 7. Witnesses—William Ratcliffe, Alderman; Robert Hans, M.E.; Henry Sargeant, Parson of St. John Baptist; T. Hickam, psn. of St. Peters; and Henry Wyeks, Vicar of All Hallowes."

These Statutes show throughout the greatest possible care for the well-being of the Hospital, temporal and spiritual; and so anxious was the representative of William Browne for their strict observance, that on the 9th of October, 1495, shortly before his death, he gave the following solemn charge:—

"I, Thomas Stokke, solemnly demand that all laws for the well-being of the Hospital shall stand firm for ever, and

call upon all connected therewith to live in unity and godly love :—

“ I will that these present Rules, Ordinances, Constitutions, and Statutes, thus by me, the aforesaid Thomas Stokke, penned and duly published, to the praise and glory of God, and the glory of the most Blessed Virgin His Mother, and of All Saints, and to the increase of virtue and worship of God, and to the prosperity of the quick, and benefit of the dead, shall have power, and for ever endure to the profit and ornament of the said House, and to obtain strength of steadfastness never to change.

“ Therefore, these things, by the grace of God, so soundly ordained, I command a religious obedience therein to the Warden of the said House, and to the Confrater, and to the poor people living in the same ; and I ordain unto them the league of peace and unity, and also the bond of perfect charity.

“ Furthermore, I exhort all the poor people of the same House now being, and that shall hereafter be, and graciously beseech them in the bowels of Jesus Christ, that they have a mutual love among themselves, and, laudably fearing our Lord Jesus Christ, pray for the souls of the aforesaid, after this my present ordinance, and so live together in the said Almshouse, that, when this life is ended, they may come to the House of the Heavenly Kingdom, which is promised to the poor by our Lord’s own mouth. Amen. Amen.

“ And, I reserve full power to me, while I live, that I may have free liberty of these things, which, in anywise whatsoever, concern the said Almshouse, or may concern in time to come, to add, or put into, or withdraw from all and singular the promises ; and them to correct and change, and also upon the premises to dispense, and new Statutes to make and ordain, this present ordinance notwithstanding.

In Witness whereof, to either part of this writing indented, I have put to my seal, and subscribed my name. Given, at Stamford beforesaid, the 9th day of October, the 11th year of the king aforesaid, these being Witnesses—William Ratlefe, then Alderman of the village of Stamford; Robert Hans; Mr. Harrie Sargeant, Parson of the Church of St. John Baptist; Mr. Thomas Hickam, Parson of the Church of St. Peter's; and Sir Henry Wikes, Vicar of All Hallows, in Stamford. Finis."

About four years after the death of Thomas Stokke, liberal gifts were made to the Hospital by Sir Thomas Delalaund,* of North Witham; in which parish the donor had lived and died. His desire was, we presume, to complete the gift of William Browne,† who had bestowed a large part of North Witham for the endowment of the Hospital. The old documents, setting forth the nature of the bequest and the spiritual aid asked of the inmates of the Hospital, are striking expressions of the generosity and deep religious feeling of the close of the fifteenth century. At first the donor stipulated that *a red rose*‡ should be presented *annually*, on St. John Baptist's Day, to Sir Thomas Delalaund and his heirs: "*reddendo annuatim mihi et hæredibus meis unam rosam rubeam*; videlicet, in festo Nativitatis Sancti Johannis Baptista, &c." Dated xxviii. of August, 14 Henry VII."

* The eldest and only surviving son of Sir Thomas Delalaund, who was slain at the battle of Loosecoat Field.

† Browne's feoffment of July 3, 1488, mentions *his manor* of N. Witham. As, by his will, Sir T. Delalaund leaves *his* manor of North Witham to be sold for charitable purposes, giving liberally of it to Browne's Hospital, there must have been two manors in North Witham.

‡ All the Delalaunds and their belongings were Lancastrians; hence, probably, the presentation of "*a red rose*."

As this custom has never prevailed, we can only presume that the red rose arrangement was given up, and the following deeds adopted :—

“To all the faithful in Christ, to whom this present writing shall come, eternal salvation in the Lord. Know ye that I, Thomas Delalaund, Kn^t, have remitted, relaxed, and quietly by me and my heirs for ever made over to John Taillor, Warden of the Almshouse of William Browne, in Stamford, and to William Hawkyns, his Confrater, and to their successors, all my right, title, and claim that I have, or in any way for the future shall have, in a messuage, with fifty-six acres of meadow, with their pertinences, in the village and fields of North Wytham, in the County of Lincoln ; viz. : between the tenement A. B., on the one part eastward, and a tenement C. D. to the west, and abuts on the King’s highway to the south, and land E. F. northwards : which messuage and fifty-eight acres of meadow, with their pertinences, I lately had as a gift and feoffment of M. D. Knight, and which formerly belonged to Richard B. of North Wytham, aforesaid. So that neither I, the aforesaid Thomas Delalaund, nor my heirs, nor any other in my name, can challenge right, title, or claim of and in the aforesaid messuage and meadowland, with their pertinences, nor interfere in any part thereof ; but by these presents are excluded for ever altogether from all right, title, and claims. And I, truly, the aforesaid Thomas Delalaund, and my heirs, have warranted, and for ever will protect the aforesaid messuage, meadow land, and all their pertinences, and other premises, in favour of the aforesaid Warden and his Confrater and their successors, against all people. In witness of which I have placed my seal to these presents, and, inasmuch as it is unknown to many, I have procured to be placed to these presents the seal of Mr. R. Sutton, Master of the Hospital of St. Lazarus of Burton.

“Given this 20th day of December, in the year of the reign of King Henry VII.* after the conquest of England the fourteenth.”

2nd Deed. “In perpetual memory of the fact to be remembered, and firmly commended to memory, that the worshipful gentleman, Thomas Delalaund, of North Wytham, in the County of Lincoln, Kn^t, gave over, and by his certain Deed hath confirmed to this Almshouse, called ‘Browne is halmeshouse,’ in Stamford, in the County of Lincoln aforesaid, certain lands and a tenement in North Wytham aforesaid, to the value of xviii^{sh}. per annum for ever; to the use and benefit of the Warden of that House, and his Brother (Confrater) and their successors, and for the increase of the allowances for the maintenance of the twelve poor of both sexes dwelling in the same Almshouse; so, namely, that the said Warden shall have of the said sum iv^{sh}. a-year beyond his salary apportioned to him by the Statutes of the House, by his own hands to be received; and that the said Confrater shall have of the aforesaid sum iii^{sh}. a-year to be paid to him by the Warden, and that the said twelve poor shall have the residue of the aforesaid sum annually, beyond the weekly allowance of the charity, to be divided between them and to be paid over to them by the aforesaid Warden. For which gift the said Thomas first hath requested that the said Warden and Confrater, and their successors, shall have a special and mental remembrance of the aforesaid Thomas Delalaund, Kn^t, and of Dame Joan, his wife, whilst they are alive, in each and all their masses, with the collect, ‘*Deus qui*, &c.,’ to be by them said with other intercessions for the living, and also a

* ‘Post Conquestum Angliæ,’ at that period, was used to express “after the accession to the throne of England,” and is common in deeds and writings of that date.

commending of the souls of the parents of the aforesaid Thomas Delalaund among the dead, with this collect, "*Absolve, quæsumus, Domine, &c.,*" and after the death of the aforesaid Thomas and Joan his wife, their names and the names of their parents shall be inscribed upon the Oratory Table, above the Altar, amongst the names of the deceased benefactors of the Almshouse, with mental remembrance in the form prescribed. The said Thomas Delalaund hath also requested that each of the poor people of both sexes, and their successors, shall twice say the salutation of the Blessed Virgin Mary for the good estate of the aforesaid Thomas Delalaund and Joan his wife, while they are alive, and for the souls of their parents, and for the souls of the aforesaid Thomas Delalaund and Joan, when they shall have departed this life ; and also that they shall be bound specially to pray for the souls of all their benefactors for ever. The said Thomas hath also requested that the obit of T. and M., father and mother of the said Thomas, and also the obit of the said Thomas, and of the said Joan, his wife, when they shall have departed this life, shall be kept yearly, with 'Placebo et Dirige,' by the said Warden and his Confrater, in the Chapel of the said Almshouse, on the 16th day of May ; and that one of the said twelve poor shall say for the souls of T. M. and T. J., aforesaid, one special Psalm of the Blessed Virgin Mary, in addition to the appointed weekly Psalms. The said Thomas Delalaund hath also requested that his name, and the name of Joan his wife, as well during life as after their decease, shall be recited in the daily Prayers, morning and evening, by some one of the senior poor appointed for that purpose, among the names of the benefactors of this house. Nevertheless the aforesaid Thomas Delalaund wishes and directs that, if either of the twelve poor shall by chance omit, and

not say, more than once in the week, the Psalm of the Blessed Virgin Mary in the manner directed, for that he shall not be called to account, nor shall such poor person, so omitting, be arraigned on a charge of perjury, nor accused before his ordinary of breach of promise. The said Thomas Delalaund requests also, that this memorandum aforesaid may be inscribed in the book of Statutes, not as a statute, but rather as something to be remembered, and that it be read four times in the year to the poor after the reading of the Statutes by the Warden and his Confrater. All which requests have been conceded to be done and carried out by the said Warden and his Confrater, and all the said twelve poor, of both sexes, for them and their successors for ever, Whose names are these:—John Tailor, Warden; William Hawkyns, Confrater; Thomas Brigge; Thomas Bentley; Master George Keell, Clerk; Thomas Andrew; William Bacon; John Canlasay; John Burgoyne; William Rasul; Thomas Normanton; Thomas Reynolds (Poor Men). Matilda Huntley, Elizabeth Huntley (Poor Women). Dated 14th year of Hen. VII., after the Conquest of the Kingdom of England.”*

The following requirement, made by Sir Thomas Delalaund, as regards himself, his wife, and his ancestors and relatives, for whom prayer should be made in the Hospital, has happily escaped destruction:—

“IHS.

“Ye shall pray for theis Salles in especiall with alle other in genall.

King Hen (Henry) vii. Quene Elisabeth, his wyeffe, with all y^r childyr.

“My Lord Sir Lyon Welles, and Dame Jane hys wyeffe, with all y^r childyr.

* For Deeds in Latin, see Appendix.

“Robert Watertone, and Sisele hys wyeffe, with all y^r childyr.

“John Wykes, and Alys hys wyeffe, with all y^r childyr.

“Sir William Wykes, dame Margaret hys wyeffe, with all y^r childyr.

“William Awnsell, and hys wyeffe, with all y^r childyr.

“Nicholas of Tye, and Jane hys wyeffe, with alle y^r childyr.

“Sir John Deveries and hys wyffe with alle y^r childyr.

“Thomas Delalaund, and Margaret hys wyeffe, with alle y^r childyr.

“My Lord Sir John Welles, and hys doghter.

“Richard Delalaund, and Anne hys wyeffe, with all y^r childyr.

“Sir Thomas Delalaund, dame Katenne hys wyeffe, with all y^r childyr.

“And ye shall pray specially for the salle of Sir Robert Ratclyff, sometyne Porter of Caley.

“Sir Robert Dymmok, dame Jane hys wyeffe, and alle y^r childyr.

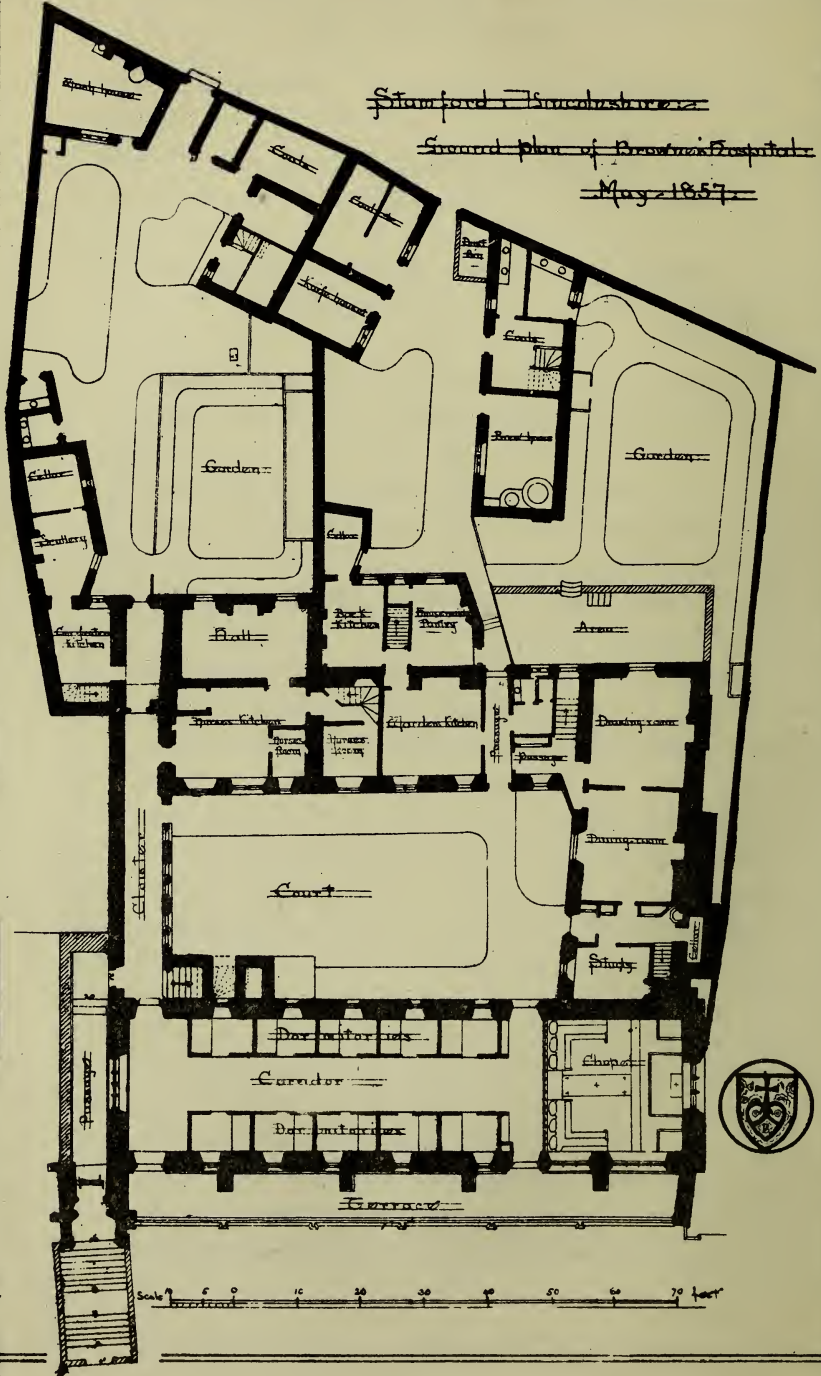
“And ye shall praye in especiall for the lyffes and salles of me Sir Thomas Delalaund, and Dame Janie, my wyeffe, with o^r fadyrs and modyres, whiche wasse, Sir Thomas Delalaund, dame Katherine, hys wyeffe, Sir Moses Barkeley, dame Margere, hys wyeffe, o^r bredyr and sisteres, with alle o^r kyn, and goode benefactores, that we are moste bounde to pray fore as welle as they were reherssed be name, and for all Cristen salles, that God wille have praied fore, being in the paynes of purgatorie, or in any other place where it plesed God to comaunde them. Amen.”

We may now consider the Hospital founded, duly governed, and actively at work, the Chapel and various buildings placed as set forth in the following chapter.

Stamford Southampton

Ground plan of Prison Hospital

May 1857



CHAPTER III.

THE HOSPITAL BUILDINGS.

IN considering the buildings, we shall endeavour first to describe them as they originally appeared, when opened to receive twelve of God's poor and helpless ones ; and at the fitting time notice the extensive and important alterations carried out some twenty years ago. Our difficulty will lie in the fact that some change was, we may presume, made in the arrangement of the quarters of the Warden and Confrater at the time of the Reformation, or shortly after ; and again, possibly, when James I. granted his Charter ; but, as no record exists of what was done then, or at any after period, we must be content in our description to give here and there prudent heed to the suggestions of common sense and tradition.

For four hundred years Broad Street has possessed a structure dear to the inhabitants of Stamford and all philanthropists, and architecturally of much interest to the antiquarian. It dates from the close of the fifteenth century ; but, had not that date been known, the curious semicircular windows of the Chapel, and their heavy tracery, might have suggested a later period.

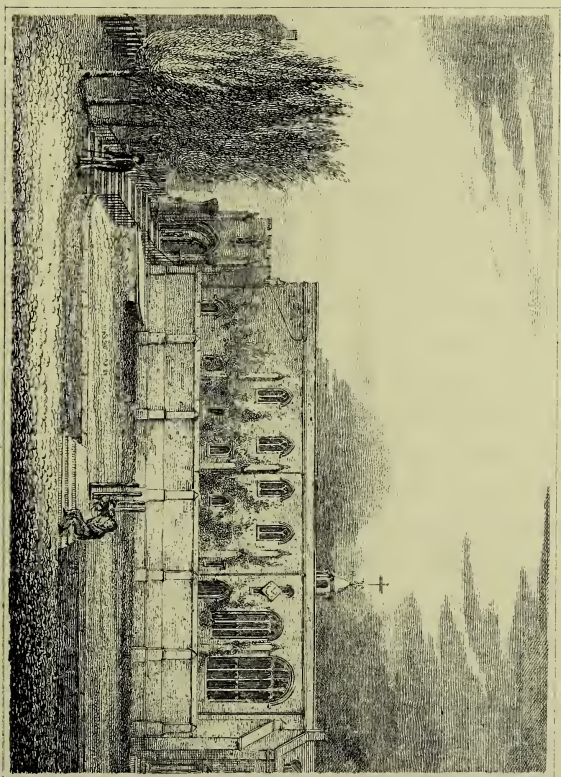
Browne's Hospital stands on Claymount, on the spot once occupied by three houses, which lay between the Abbot of Croyland's house eastward, and one to the west belonging to Robert Wyke, given, in 1356, by William Apethorpe of Stamford, to John Kent. William

Browne is said to have lived in the residence at the west end of the Hospital. How the site of the Hospital came into the possession of the Founder we are not told; sufficient to know that he gave it for the benefit of the poor, near to whom it was his delight to have his own peaceful home.

The floor of the building, owing to the rapid fall of the ground towards the street, had to be raised considerably above the road level. In front ran a terrace, for the use of the inmates; a feature in the design which contributed greatly to the general effect. The main buildings occupied a space about a hundred feet square, with an open court in the centre (60 feet by 33 feet). The entrance was by sixteen steps to a handsome porch,* from which the rise was by one step to a passage, lit by a window which will presently require special attention. This passage (24 feet by 6 feet) rose by three steps to a small landing, presenting on the east side the door by which admission was gained to the Cloisters and all parts of the Hospital. Three handsome bays separated the Cloisters from the open court already noticed. On the south side of the court, on the ground floor, were, beginning from the east, the Chapel (21 feet square), Dormitories (10 feet by 6 feet), five on either side, and a Corridor (64 feet by 9 feet). At each end of the Dormitories the Corridor widened 21 feet, with a step and door at each corner to the Terrace on the south, to the Cloisters and open court on the north.

The Chapel has been, on the whole, well cared for and little altered, save the injury done to the glass. Rising from the floor to the roof it is enclosed by a beautiful oak screen, elaborately carved, very similar to that of St. John's

* The porch was taken down in 1813 and rebuilt, with alterations, the old material being used.



Designed & Engraved by G. H. Wright.

BROWN'S HOSPITAL, STAMFORD.

Church, Stamford, only of a finer character. Within the altar-rails lies, under the Holy Table, the original Altar Stone, a noble slab of Barnack rag (11 feet by 3 feet 4 inches), which, before the alterations in 1869, formed part of the pavement in front of the Altar gate. The five crosses on it are still very perfect. On the south side of the Chapel are two lofty windows, the larger of which is filled with richly coloured fifteenth century glass, unhappily, in places, so patched and so mutilated, that possibly the description given of the subjects treated may by some be questioned. In the upper part are four full-length male figures ; beneath them the same number of female. The first, beginning from the eastern side, is John the Baptist ; second, a royal Saint, supposed to be David ; third, The Holy Trinity ; fourth, St. James, in the dress of a Palmer. Under the Baptist is St. Catherine ; next, the Virgin Mary, having in her right hand a lily, in her left a rose branch with three flowers ; then St. Barbara, holding the design of a three-light window. The fourth is at present nameless, many having in vain tried to give an interpretation ; the difficulty arising from there being a reckless mixture of glass, sufficiently so to puzzle the ablest expert.

It is just possible that the glass came from Italy, or that the design was supplied by an Italian artist, for the faces are precisely those seen in Italian pictures of this period ; and in the National Gallery there is a picture by Francis de Pivelli (A.D. 1449), in which the Holy Ghost is represented exactly as in the window of Browne's Hospital.

The Rev. C. Nevinson, Warden from 1845 to 1880, who dearly loved the old Charity, gives the following further interesting particulars :—

“ The jewelled crowns of some of these figures are

especially worthy of notice for the brilliant hues of the gems. There are rich canopies over the heads of the principal figures, and an angel at the foot of each of two of the lights. The other two have a semi-octagonal base or bracket; one trellised on a crimson ground with yellow bands, ornamented with a running pattern, and having in the centre of each compartment a chalice with rays in a circle of yellow glass; the other, a lozenge or diamond, in the centre enclosing a circle, with a stork on its nest, and the words "✠ ME SPEDE" over its head, and two scrolls bearing the words "ECCE AGNUS DEI" on each side, the ground here being blue. There are also triplets of heads over these in each light. In the head of the smaller window is a representation of St. Michael."

The stork, described by Nevinson as being *on* its nest, is the crest of the Founder, being a stork rising from its nest. This crest appears on the brass on the floor of All Saints' Church, and also in the window at the west end of the corridor, and in the windows of the Audit Room. In the windows the monogram "E. B." occurs twice, and in one of them, at the beginning of the last century, was the inscription, "Orate pro animâ Gulielmi Browne, Mercatoris," with the arms of Browne impaling Stokke.

The chapel was consecrated on 22nd December, 1494, and was dedicated to the Virgin Mary and All Saints. From time to time marriages have been solemnized in it, and interments have taken place there. In the floor of the chapel were memorial slabs recording the names of those buried beneath them. All have disappeared, but a notice of two of them remains; one being inscribed, "DEPOSITUM MARTI HALL—December 23rd, 1669;" the other, "Hic jacet Maria Stubbs, obiit Januarii xxvii., MDCLXXIX," and on this stone was a lozenge, bearing, on

a bend between three pheons, three roundels.* The burials of these two persons are not entered in the registers of All Saints' parish, nor in those of St. Michael's Parish; but entries of marriages that have taken place in the Hospital chapel have been made in the registers of the Parish of St. Michael, wherein the chapel is locally situated, notwithstanding the Deed of Agreement of 5th February, 3rd Henry 7th.

Within the altar rails is an ancient cope seat. There were two of these seats in the chapel, but one disappeared during the restoration of 1869, and has not been traced. In the chapel, too, is the original almsbox, formed of maple wood. It is $8\frac{1}{2}$ inches high, hooped and ribbed with iron, provided with a lock protected by two hasps, and a wide band passing over these, fastened by a staple and padlock. The head is hollowed out like a basin, at the bottom of which is a slit for the reception of money, and at the side is a ring intended to attach the box to a wall. This curious relic was found, on the demolition of the Warden's house, in the splayed recess of a closet by the fireplace of an upper room.†

The east window was high up and comparatively small, in consequence of a building abutting upon the wall of the Hospital.


The original stall seat-ends and misereres remain, and are remarkable for their fine carving. As curious specimens of art they deserve careful examination.

Until very recently this noble old "Domus Dei" had its

* Robert Stubbs, Esq., was, about 1679, the owner of the house at the west end of the Hospital, in which the Founder is supposed to have resided, and which afterwards belonged to and was occupied by his descendant John Elmes, Esq.

† It is described and figured in *The Archæological Journal* for 1870, p. 140; and the engraving and description were repeated in the Report of the Lincolnshire Diocesan Architectural Society for 1870, p. 231.

dormitory—like those of all charities of its character (*ex. gr.* Portsmouth, Chichester, Beaune, Angers, Tonnerre, Lubeck, &c., &c.)—attached to the church, so that, when the Divine Service was being celebrated, the sick and infirm could hear, and so find comfort for their souls. The cubicles, each with a window, were made small for warmth's sake, and the long corridor offered a convenient space for exercise during severe weather.

At the west end of the corridor was a four-light window with two shields; one representing the arms of the Founder's family—sable, three hammers, argent; the other Browne, impaling, Ermine, on three bars sable, fifteen elm leaves, or—Stokke. The Browne crest is also in this window, viz. a stork with wings displayed rising from its nest. It is similar to that in the Chapel, each having a label inscribed, “ Me Spede.” Another relic is the merchant's mark of the Browne family, and there is a mutilated monogram (E.B.) Passing through the entrance door on the north-west end of the Hospital a stone staircase immediately rises on the right, at the top of which was an ante-room (20 feet 10 inches by 8 feet) having westward the Confrater's sitting-room, and to the east the audit room, muniment room, clock room, and upper part of the Chapel. The timber roof of this range is continuous from end to end.

At the bottom of the staircase is a brass plate affixed to the wall, engraved with the Latin inscription given in p. 67, and bearing the arms of the founder, Browne.

The Audit Room (36 feet by 20 feet 10 inches) has always been greatly admired, and happily its original beauty has been almost undisturbed. The screen entrance, with Acts x. 1–5 on the two outer panels, deserves close examination. Affixed to the screen is a framed tablet, or canvas (which formerly hung in the Chapel, and was then prefaced by this inscription, “*Hæc domus eleemosynaria fundata fuit a*



J. FOWLER, ARCHT.



Gulielmo Browne, A.D., 1495, Anno Regis Henrici Septimi decimo") bearing the following lines :—

"Hæc nova structura, retinens habitacula plura,
Sit permansura per tempora longa futura.
Debilibus sic et senibus fuit ædificata,
Pauperibus non divitibus domus ista beata.
Hanc qui fundavit, dotavit, perpetuabit.

*Crimina, cum davit, sua credimus omnia lavit.
Constructor cujus, patriæ decus urbis et hujus,
Willielmus dictus tunc Browne, heu ! jam nece victus.
Sit domus ista precum, aut hæc mea non reputetur ;
Sic baptizetur sit domus ista precum."

"This structure new contains twelve habitations,
Which shall remain for future generations.
For old and poore, for weake and men unhealthy,
This blessed House was founded, not for wealthy.
Hee that endow'd for aye and this House builded,
By this good act hath to's sinne pardon yeilded.
The honour of the countrey and this towne,
Alas now dead, his name was William Browne.
Be it an house of prayer, and to divine
Duties devoted, else not called mine."

On the verges of this tablet were two other tablets, which also hung in the Chapel. They bear the following inscriptions, and are now also affixed to the screen in the audit room.

Pauperes hujus domus eodem tempore viz. A.D. 1662.

- | | |
|-------------------------|-------------------------|
| 1. Henricus Richardson. | 7. Thomas Reeve. |
| 2. Franciscus Thorne. | 8. Thomas Locket. |
| 3. Edvardus Bates. | 9. Johannes Alton. |
| 4. Gulielmus Glen. | 10. Richardus Lyon. |
| 5. Johannes Baker. | 11. Richardus Draycott. |
| 6. Elizabetha D . . . | 12. Jane Barnes. |

Hæc tabula cum duabus aliis (in quarum una sunt insignia Gratio-
sissimi Regis Caroli Secundi, in alterâ Beatissimi ffundatoris Gulielmi
Browne) picta fuit anno xiiii. prædicti Caroli ; Edvardo Browne,
Vicario Omnium Sanctorum, Ch'ro Wilson, decano de Stamford ; cum
locum Custodis tenebat Johannes Richardsonus ; locum vero Confratris
Reynerus Hermannus. Anno Domini 1662.

* It has been suggested that this line implies that William Browne founded the Hospital as a penitential offering to God for some grave sin. It merely expresses a dominant conviction of the day.

The three front windows looking southwards contain some fine examples of stained glass. They are much more perfect than those in the Chapel, but, unfortunately, the inscriptions round the portraits have been so patched and disturbed that they cannot now be read with any degree of accuracy. In each window are two lights. Beginning at the east end of the room, the first light contains the figure of King David, with his crown and sceptre, dressed in a short crimson jerkin, and a long purple robe lined with ermine. Around him is a scroll bearing the inscription, "Beatus (vir) qui timet dominū apud (the last word was no doubt followed by a reference to Psalm cxii. in the Latin.) The other light has a figure with an imperial crown on his head, dressed in an under garment richly embroidered with gold, wearing a cope and bearing a sword. Beneath are the words "SCS Paulus," and around him is a label inscribed, "Que sursū sunt sapite non que sup̄ terram ad collos c." The blank probably contained *iii*, the reference being to Colossians *iii*. 2.

The eastern light of the centre window is another portrait of David, which, both in feature and dress, exactly corresponds with the former portrait. This picture of David has been correctly delineated in Fowler's 'Engravings of Mosaic Pavements and Stained Glass' (folio, 1804. No. 15 in Appendix I.). The legend on the scroll is imperfect and runs thus, "Quis sapiens et intelliget hec in p," and was probably from Hos. *xiv*. 9.

The western light contains a repetition of the figure of St. Paul. Beneath are the words "SCS Paulus," and the label round the figure bears a mutilated inscription, "Sapiencia (hujus) mu(n)di stulticia est apud a post ad Corth." 1 Cor. *iii*. 19.

In the eastern light of the third window, the whole of

which has been much mutilated and patched, is a portrait crowned and clothed in rich garments, though of different colours. Beneath are the words "Kyng Solomon." Amongst the patched glass is the word "philoso." A scroll around the figure bears the inscription, "Vir iracundus provocat ad rixas in pu'biis salo."—Prov. xv. 18. In the adjoining light is a portrait with a small black cap upon the head. This is evidently intended for the philosopher Seneca, as the letters "Senec" reversed are at the left of the figure, near the bottom, to which belongs the title "Philoso" already alluded to. The heads of both figures are perfect, but the garments are made up in a kaleidescopic fashion of coloured glass and fragments of inscriptions. A scroll is attempted round the figure of Seneca, but only the words "potestates . . fiet or" can be deciphered.

Above the head of each of the first five figures, in a circular design, is the merchant's mark of Browne, but the sixth circle has simply a mixed pattern.

Above the eastern window are the arms of Browne; over that of the centre the arms are so broken as not to be identified, and over the western the arms of Elmes, impaling Iwarby, but much mutilated.

On the north side of the room a window, in which are the arms of Stokke, looked into the open court, and in the centre a wide and deep fire-space gave warmth from brightly burning logs. Over the latter once hung the picture of James I., graciously presented to the Hospital by his Majesty. It has disappeared, and no one can even hint as to the time of its disappearance, or its present whereabouts. It is in this apartment we find the curiously carved cornice, in which is displayed a great variety of figures, and also a large plain table of oak (15 feet 10 inches by 2 feet 11 inches) on which is marked "P 1583 R," given, we may

suppouse, to the Hospital by Peter Routh, who was Warden that year.

At the beginning of the last century a tablet hung in the Audit Room, of which a copy is now given, as it contains some interesting particulars, not only of the foundation and property of the Hospital, but also of the Founder and his family.

“MEMORIÆ SACRUM.

“The Fabrick of this House, with the Chappell annext, was built in the Reign of Edward the 4th by Mr. William Browne, of Stamford, in the County of Lincoln, Marchant of the Staple of Calais, in which he maintained several poor people till the time of Richard the 3rd, from whom he procured Letters Patents to impower him or his Executor to make it an Hospital for the maintenance of two secular priests, the one to be called the Warden, the other the Confrater, of the said House, to celebrate divine service in the Chappell aforesaid, and ten poor men and two poor women unmarried, to cohabit in the said house under the government of the said Warden; to that end he settled lands in trust for the maintenance of the said House, but, dying before he could complete his pious undertaking, left it to his Executor, Mr. Thomas Stokk, Canon of York, Chaplain to y^e Lord High Chancellor of England (and brother to Mrs. Mar. Browne, relict of the said William Browne) to finish his charitable work; who (to his immortal praise) performed his trust with great care. The said Thomas Stokk, at his own charge, procured a new Charter from King Henry the Seaventh, to incorporate the said Hospital and settle the lands left by the Founder to the uses aforesaid. The said Mr. Thomas Stokk made many wholesome constitutions for the well government of the said

House, amongst which it is ordained that the House shall be called ‘The Hospital of William Browne, of Stamford, in the County of Lincoln.’ On the 22nd of December, in the year of Grace 1494, and in the 10th year of the reign of King Henry the Seaventh, by vertue of the Letters Patents the said Mr. Thomas Stokk founded this Hospitall, at which time the Chappell was consecrated to divine service by the Bishop of Lincoln, and solemnly dedicated to the Most Glorious Virgin Mary and all Saints.

“The said Mr. Thomas Stokk gave five marks to buy vestments for the Chappell, he gave a common seal of silver, a silver chalice, several jewells, and many other utensills for the use of the Warden and Confrater.

“Mr. William Elmes, son-in-law to the Founder, gave a stock of 20 marks to the House,

“Mrs. Margaret Browne, aforesaid, gave, in the time of her widowhood, 65 acres of wood for the use of the Hospital.

“Afterwards, in the reign of King James, certain covetous minded persons, finding some flaw and invalidity in the Foundation, undertook to subvert it and beg the lands to their own private uses ; but that noble and charitable prince was so far from complying with their greedy desires, that out of his own motion and bountiful disposition, new founded the said Hospital, and by his royal charter, bearing date the fourth of May, in the eighth year of his reign over England, &c., settled all the lands given by the most bountiful Founder, and granted priviledges and immunities, given by his most noble progenitor, King Henry the Seventh ; he confirmed all the Constitutions made by Mr. Thomas Stokk, except those which were repugnant to the Laws of the Kingdom ; he ordained that the House should now for ever be called the Hospital of William Browne of the Foundation of King James ; he also granted

that the Corporation should consist of two Chaplains to celebrate divine service, one to be called the Warden, and the other the Confrater, of the said Hospital, and ten poor men and two poor women, to be maintained in the said House, and to live under the government of the said Warden.

“The lands given by the Founder for the maintainance of this Hospitall.

In the County of Lincoln :—

Swayfield Mannour North Witham Mannour South Witham, one farm. . . . Twiford, one farm. . . . Wools-thorpe, three cottages and three acres arable. . . . Colsterworth. . . . Wiltsthorpe, one farm. . . . Castle Bigham, one farm, five acres pasture Gowathorpe, severall lands and tenements Carlby, one farm. . . . Gunby, several rents.

In Stamford :—

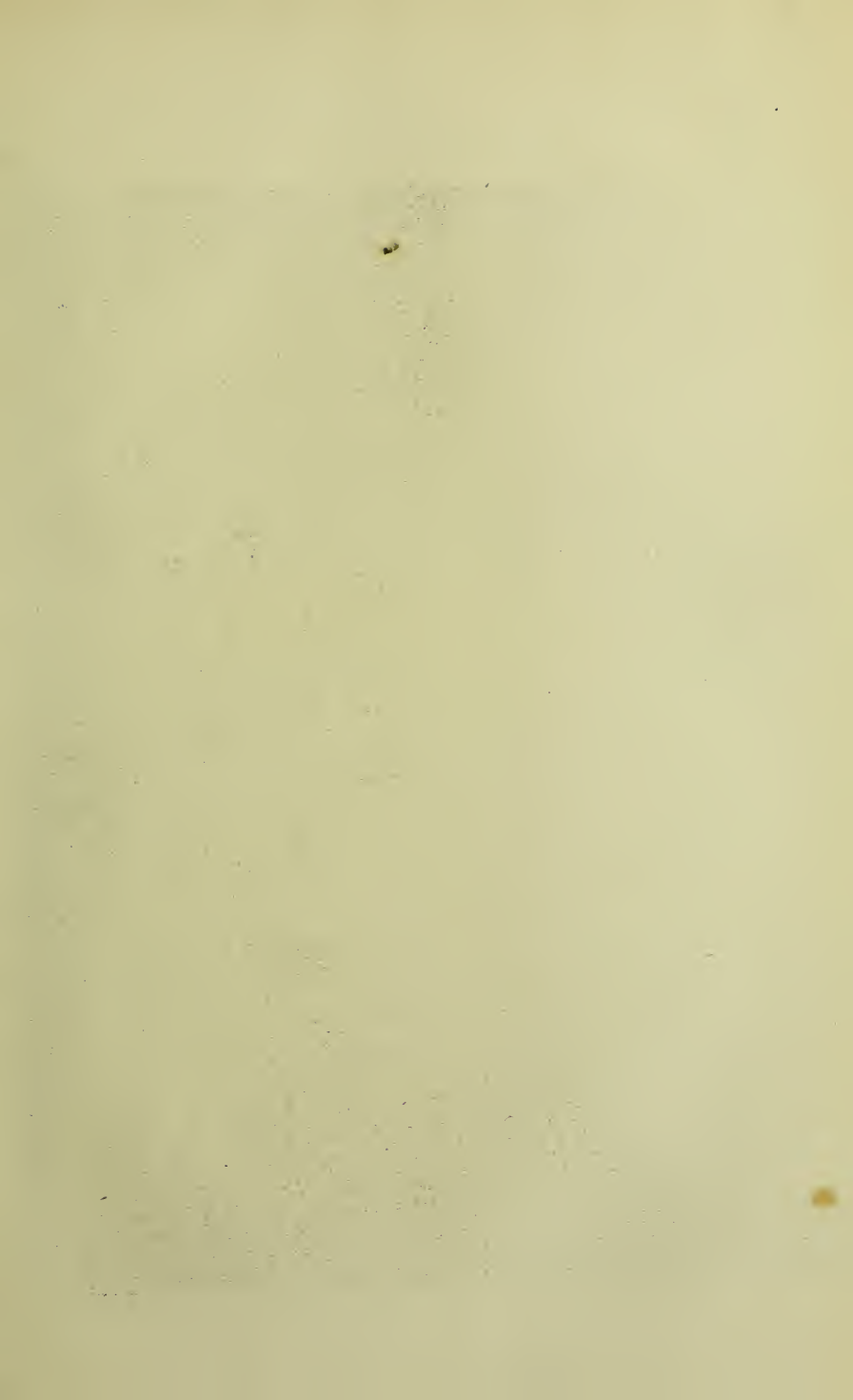
In St. Peter's parish. . . . In All Saints' parish, seven. . . .
In St. Clement's parish. . . . In St. Michael's parish. . . .
In St. Marie's parish. . . . In St. Andrew's Parish. . . .
In St. George's parish one Yard and meadow.

In the County of Northampton :—

St. Martin's by Stamford, four tenements. . . . Burleigh, severall lands. . . . Worthorpe, four cottages Easton, three farms, two cottages. . . . Barnick, two farms. . . . Pilsgate. . . . Walcot, severall lands arable. . . . Warmingington, one farm. . . . Papley. . . . lands, arable, and pasture.

In the Counties of Rutland and Leicester.

North Luffenham, one farm Sculthorpe, twenty-four acres of pasture. . . . Stretton, one farm. . . . Stretton Stocking, eighteen acres pasture Thistleton, severall lands arable, Seustern, severall chief rents. . . . Steinby, severall chief rents.”





J. FOWLER, ARCHT.

BROWNE'S HOSPITAL.

INNER COURT OF OLD BUILDING, LOOKING EAST.

At the east end of the Audit Room was the once home of treasures, the Muniment Room, lit by a window looking into the open court. In its early days it possessed documents very ancient and very valuable, but, sad to say, a large number of them have been utterly lost through the gross neglect of careless officials. The silver seal of the Hospital, presented by Thomas Stokke, still exists. It represents a crowned man sitting under a rich canopy, with a crucifix before him, and beneath his feet the half-length of a man, whose hands are closed in the attitude of prayer. Under the latter are the arms of Stokke, and the whole is enclosed by this legend: "*Sigellū comune domus elemosinarie: Staunford.*"

On the east side of the Court stood the study, hall, and dining-room of the Warden. They covered a space which is said to have been occupied by a large refectory. On the north side, beginning from the Cloister, were the nurses' kitchen and day rooms, and Warden's kitchen, from which a passage, offices, and staircase separated a room known as the Warden's Drawing Room. Over the nurses' kitchen, and eastward, were the Infirmary (20 feet \times 14 feet 3 inches), rooms for the nurses, and part of the Warden's house. "There were two chambers on the first floor (a squint opening into the Chapel from one of them), each with a small recess or oratory, and underneath a large apartment with a moulded fireplace, having on its eastern side a stone sink, consisting of an arched and cusped recess over a shallow projecting semi-octagonal basin, channelled, and having a large drain-hole in the centre." The apartment was probably, as already suggested, the Refectory used by the Warden and Confrater, and brother Priests, who from time to time visited the Hospital.

We may fairly suppose that the square, thus divided,

was all that originally existed, save certain outhouses for brewing, storing wood, and other purposes, extending to the old town wall, which, being strong and lofty, formed a substantial boundary. The Common Hall, we know, was added in 1813 by the then Warden, Christopher Cookson ; and of this we may be sure, the Confrater's kitchen, scullery and cellar, the Warden's back-kitchen, and housemaid's pantry, were all unknown when those two officers of the Hospital were celibates, devoted to a simple studious life. The Confrater's quarters may have been over the west end of the Corridor and Cloister, and the Warden's at the east of the square ; but the many rooms marked on Dollman's plan as bedrooms, could not possibly have been so used until after the Reformation. How they were used will probably never be known.

Such was Browne's Hospital, or nearly so as regards construction, when first God's poor and their protectors entered it. In those times the many and important comforts and conveniences, now enjoyed in our public charities, were utterly unknown ; but, while without them, the quiet peaceful Bedehouse must have been, in hard times, a happy retreat for the aged and infirm poor.

In 1839 the open space in front of the Hospital was flagged, and surrounded by an iron palisading, for a Corn Market. A covered building, of Little Casterton stone, forming an arcade with six open arches, exactly agreeing with the style of architecture of the Hospital, was erected against the wall of the terrace in front of the Hospital. This formed a useful protection for the corn merchants in bad weather. The arcade was designed by the Rev. Henry De Foe Baker, who became Warden of the Hospital in 1845. The Corn Market was held upon the above site until 1859, when a handsome Corn Exchange was

erected by a Company on the opposite side of the street. The palisading and flagging were then removed, and the arcade taken down. Three of the arches still exist in Stamford: one at the entrance to the Boys' Elementary School on St. Peter's Hill; one at the entrance to the Independent Chapel in Star Lane; and the third upon the property of Sidney Sussex College in St. Paul's Street.

Time had long been laying a worrying hand on the foundations, which had for nearly four hundred years supported the old building, but the removal of the Corn Market arcade, and the disturbance of the ground by taking out the foundations of the buttresses, told seriously upon the fabric of the Hospital—so much so that, in 1869, it was found that the supporting terrace wall was giving way. The west end of the main building had also become very dilapidated. Under these threatening circumstances it was deemed necessary for safety's sake to act promptly.

A Meeting of the Governors was at once held, and it was decided to seek the professional assistance of Jas. Fowler, Esq., the well-known architect of Louth. Under his guidance it was determined that, while the main building should be repaired and preserved as a monument of the Founder, the Court at the back, with its inconvenient and insufficient accommodation, should be enlarged and rearranged. Full particulars of all that was done in this happy restoration will be given in its place as the story of the Hospital advances.

Honour to whom honour is due. Stamford and all who take an interest in Browne's Hospital, will long remember with gratitude the valuable services of the Reverend Charles Nevinson. He was an able and pains-

taking Warden, whose constant thought was, "What can I do to make happy and at ease the poor committed to my care?" and, certainly, his active efforts for the preservation of the old buildings and the construction of new ones, have proved, as we shall hereafter find, in every way eminently successful.

CHAPTER IV.

THE DEANERY OF STAMFORD.

THE Deanery of Stamford has, during the last quarter of a century, been the subject of much discussion—the question being, "What is the ecclesiastical position occupied by the Dean?"

To examine this matter effectively, we must consider three kinds of Deans Ecclesiastical :—Deans of Cathedrals, Deans of Peculiars, and Deans Rural.

Deans of Cathedrals invite our attention first, because they are generally supposed to have preceded all other Deans. When England was a wild, and, in many districts, an almost roadless country, the spiritual staff for ministering to the faithful was necessarily gathered together in some town. There the Bishop and his clergy lived together at the Cathedral, or mother * church. "Such churches were builded verie huge and great; for otherwise they were not capable of such multitudes as came dailie unto them to hear the Word and receive the Sacraments."† In these vast houses of God the public offices of religion were offered to the congregated worshippers of a whole

* "Quia sicut mater generat, ita et ecclesia baptismalis regenerat."—Panormitan., tom. ii. p. 73. "Matrix ecclesia proprie ea dicebatur in quâ episcopus ipse cum presbyterio suo, quod nunc capitulum canonicorum dicitur, residebat; cathedralis hodie vocatur."—Suicer. T. E., tom. i. col. 321, in v. *Ματρίκιος*.

† *The Description of England*, book ii. c. i. p. 135 (Holinshed).

episcopal district ; and from it itinerant priests went forth to the various chapels, oratories, and field-churches widely scattered over a rough and sparsely cultivated area. Homes of prayer increased as contributions of bishops and converts permitted ; while kings and princes raised cathedrals, as leading and growing cities invited their munificence. And in every cathedral there was an arch-priest, selected, we may suppose, for his personal merit, to represent the Bishop during his absence, and to act as head of the Chapter. This officer, when churches were raised in the city, would also, so long as the duty was not too oppressive, have them under his charge, and so be in every way appropriately called *Archipresbyter Urbanus*. “*Urbani (says Duarenus *) dicuntur qui in urbe et in maiore ecclesiâ officio suo funguntur. Cum enim episcopus, propter absentiam fortè vel occupationes suas, non possit omnia episcopi munia vel solus, vel unâ cum presbyteris obire, sed curas suas cum eis partiri necessè habeat ; utilius visum est ex presbyteris unum cæteris præponere, qui, quæ ad presbyterorum officium pertinent, partim ipse exequatur, partim aliis facienda præscribat ; quàm omnibus simul presbyteris id committere, ne contentio aliqua inter ipsos ex communione administrationis oriretur.*”

Some high authorities have maintained that the *Decanus Urbanus* was from the first simply a Rural Dean, who had authority in a city or some large town, and that the title “*Decanus Urbanus*” is wrongly applied to the Dean of a Cathedral. The difficulty may possibly be met by remembering, that our Cathedral Deans were known before Rural Deans had in England any existence ; † inasmuch as fixed

* *De Sacra Ecclesiæ Ministeriis ac Beneficiis*, lib. i. c. viii.

† It is only right to state that some of the leading ecclesiologists of the day consider that Deans of Cathedrals and Deans of Discipline

parish priests were, throughout Christendom, much later institutions than the College of Presbyters, and consequently the rulers of the former than those of the latter. It is therefore highly probable that Cathedral Deans were *decani urbani* until Rural Deans were well established in the land, and so in a condition to relieve them of their city labours. The *urbanus* would then naturally and fittingly pass on to the rural dean with an urban charge.

This view is supported by Titre XXIV. "De l'office de l'archiprêtre," in 'Les Lois Ecclésiastiques de France':—

"Dans le septième et le neuvième siècles, les fonctions de l'archiprêtre de l'église cathédrale étoit de veiller sur tous les curés de la ville, qu'on appelait alors *cardinaux*; de leur faire observer les ordonnances de l'évêque, d'offrir le saint sacrifice en l'absence de l'évêque aux jours solennels; d'entendre la confession de tous les prêtres, et de leur imposer des pénitences.

"Les *Archiprêtres de la campagne*, qu'on appelle communément *doyens ruraux*, doivent veiller non-seulement sur les peuples, mais encore sur la conduite des curés qui sont

turn up in England about the same time—in the eleventh century.—H. P. W.

"The system of country *archipresbyterates* or *decanates*, with their attached superintendents, does not appear amongst us till the *eleventh century*—owing, perhaps, to the magnitude of our first parochial divisions and paucity of distinct congregations and incumbencies, which for a time called not for such appointments."—Dansey's *Horæ Decanice Rurales*, vol. i. p. 80.

"It is certain that, in the year 1052, the then important personage, a Rural Dean, appears for the first time in the tomes of the Councils of Great Britain and Ireland, under the style and title of *Decanus Episcopi*; in which capacity he takes cognizance of the violation of the peace within the Deanery, and with the Earl and King receives a share or emendation of *8l.* awarded upon it."—LL. Edward Conf., cap. 31; Spelman, *Gloss. Archæol.*, p. 165; Gibson, C.I.B.A., tit. xlii. c. viii.

dans l'étendue du *doyenné* ; faire observer exactement la discipline ecclésiastique, et rendre un compte fidèle à l'évêque de tout ce qui se passe." *

The Cathedral Dean is here spoken of, not only as dean of the Cathedral Church, but also as over all the priests of the city—in the strictest sense of the word a "*decanus urbanus*." When, as in England, the city clergy were placed under one of the inferior order of Archpriests, the title † of the Decanus would naturally and almost necessarily pass from *ruralis* to *urbanus*, without in any degree giving him dignity.

"*Archipresbyteri rurales* nullam dignitatem, sed merum officium habere censentur ; ac in omnibus suis functionibus ab instructionibus episcoporum dependent. *Archipresbyteratus* vero *Cathedralis* vera est dignitas ; muniaque de jure vel consuetudine annexa, jure dignitatis, i. e. jure ordinario sicuti archidiaconi habent ; ideòque nec pro arbitrio episcoporum tolli aut diminui possint." ‡

Such was the position of a Cathedral Dean. With respect to the matter before us we have now to ask a plain simple question : "Was the Deanery of Stamford ever part of any Cathedral establishment ?" in other words, "Was the Dean of Stamford ever known as the '*Archipresbyter ecclesiæ*

* *Les Lois Ecclés. de France*, &c., par M. Louis de Hericourt, Analyse, p. 73.

† "*Urban and Vicar Deans* were merely *Rural Deans* set over parochial churches and their incumbents, *in urbe* or *in vico*, distinct from cathedral deans, whose presidency was only over persons."—Dansey's *Horæ Decanicæ Rurales*, vol. i. pp. 10, 11.

"It remains that I speak somewhat of the *Dean*, an ecclesiastical officer set to over-see a certain number of parishes ; amongst which are those of our *city*, and a necessary member in the ecclesiastical or spiritual government of the same. We call him a *Rural Dean*."—Somner, *Antiq. of Canterbury*, part. i. p. 175.

‡ Van Espen, *Jur. Eccles. Univ.* P.I., tit. xii. cap. ii. p. 58.

Cathedralis?" The answer at once is, No, such a position has never in the story of the diocese attached to it; and for this excellent reason, Stamford never was a Cathedral city—its Deanery, until within the last few years, never presumed to proclaim itself a "vera dignitas."

Seeing that the Dean of Stamford has no claim for "dignity" as a lineal successor from some early Cathedral Dean, we have next to consider, if he has such claim as a *Dean of Peculiars*.

There were in monasteries of old several Deans,* each

* "The like office of *deans* began very early in the greater monasteries, especially in those of the Benedictine Order, where the whole convent was divided into deaneries, in which the *dean*, or tenth person, presided over the other nine; took an account of all their manual operations; suffered none to leave their station or omit their particular duty without leave; visited their cells or dormitories every night; attended them at table to keep order and decorum at their meals; guided their conscience; directed their studies, and observed their conversation; and for this purpose held frequent chapters, wherein they took public cognizance of all irregular practices; and imposed some lesser penances; but submitted all their proceedings to the abbot or prelate, to whom they were accountable for their power or abuses of it. And in the larger houses, where the numbers amounted to several decuries, the senior dean had a special pre-eminence, and had sometimes the care of all the others devolved upon him alone. And therefore the institution of *cathedral deans* was certainly owing to this practice. When in episcopal sees the bishops dispersed the body of their clergy, by affixing them to parochial cures, they reserved a college of priests or secular canons for their counsel and assistance, and for the constant celebration of divine offices in the mother or cathedral church; where the tenth person had an inspecting and presiding power, till the senior or principal *dean* swallowed up the office of all the inferior, and, in subordination to the bishop, was head or governor of the whole society. His office, as described in the churches of Lichfield, and Coventry, and St. Paul's, was to have authority over all the canons, presbyters, and vicars; to give possession to them when instituted by the bishop; to inspect their discharge of the cures of souls; to convene chapters, and preside in them; there to hear and determine proper causes; and to visit all churches once in three years within the limits of their

presiding over ten monks, the senior having jurisdiction within a certain *leuga* or precinct, holding visitations of its clergy, and having a court of probate of wills, acting under the Abbot, and entirely independent of the diocesan. These are termed *Deans of Peculiars*, of whom the only Dean now occupying such a standing is the Dean of Battle.* In 1844, the Bishop of Chichester, when confirming in Battle Church, stated that he did not act by virtue of his episcopal authority, but by consent of the Dean.

Another and well known Peculiar is that of Bocking.†

jurisdiction.”—Kennett, *Parochial Antiquities*, vol. ii. pp. 339 *seqq.*; Regul. S. Bened. 63 et Synod. Magunt., i. c. 10; Alteserra, Ascet., lii. cap. 9; Synod. Aquisgrn., can. 55; B. Isidor. *de Eccl. Offic.*, lii. c. 15; *Monast. Anglican.*, tom. iii. pp. 241–386.

* “*Battle*, or *Battell—de Bello*—is an ancient deanery of Sussex, a peculiar jurisdiction without chapter.”—Dugdale’s *Monasticon Anglicanum*, part xix. p. 239, new edit.; also Burn’s *Eccles. Law*, vol. ii. p. 118.

† Somner *Antiq. Cant.*, 217; *Monas. Angl.*, vol. i. 21. Both mention Bocking “as followeth:—‘Eodem anno (i. e. 1006) Ethelric et Leofwina, annuente Ethelredo, dederunt Bocking et Mersey ad victum Monachorum.’ And this was the original of both the Mannor and Church of Bocking, it being settled on the Monks of Canterbury, and becoming part of the possessions of the Metropolitan Church.

“Bocking is the Head of the Archbishop’s Peculiars in Essex and Suffolk, as St. Mary-le-Bow is of those in London, which Peculiars consist of seven parishes with their Appendants, to-wit, four in Essex, namely, Bocking, Stisted, Lachendon, and South Church; and three in Suffolk, viz. Hadleigh, High Monachorum, and Molton, all which are exempt from the authority of the respective Diocesan Bishops, and are subject only to the jurisdiction of the Archbishop of Canterbury or his Commissary, who is called Dean of Bocking.

“Now these Deans are constituted by virtue of a special permission from the Archbishop of Canterbury from time to time, which empowers sometimes one singly, sometimes two jointly and severally, to exercise Spiritual Jurisdiction and Authority over the before-named Peculiars, in such manner and form as are exercised by other Ecclesiastical authorities and officials, and, for ought I can find, the office of Dean of

The Archbishop of Canterbury had several livings in Suffolk and Essex—how and when acquired signifies not—and he made the Rectory of Bocking (the chief of his Essex livings) a Deanery, and the incumbent a Dean, with the jurisdiction of an Archdeacon over his four Essex and three Suffolk livings. As such he held visitations. At the special request of the Bishop of London the Archbishop gave up the jurisdiction, but not the patronage, of these peculiars, to the Bishop of Rochester. The jurisdiction* passed to the Archdeacon of Colchester, but the title of the Dean of the Deanery of Bocking is still retained, and the present Dean has certain powers respecting wills and marriage licences. The glebe of Bocking is a distinct manor, called the *Deanery Manor*.

Deans of Peculiars were formerly in office in the convents of Carlisle, Canterbury, Waltham, and Worcester.

Middleham † also, until very lately, was a Peculiar, a collegiate church in the gift of the crown, with jurisdiction, privileges, and exemptions. The *Dean* had the probate of wills, and some other rights of ecclesiastical jurisdiction within his parish, together with a court, an official, and a seal of office. “The Paroche chirche has been, as sum wene, (says Leland) a collegiate chirche. The parson is yet caulled the *Dean* of Middleham. Richard the 3rd lay at itt, and collegiated the chirche there, but Henry the 7th toke the new college land away.” The last Dean of Middleham (Wood) died in 1856.

St. Burian until lately enjoyed decanal dignity immedi-

Bocking is seldom conferred upon any but such as are rectors of some or one of the said Peculiar Churches.”—Newcourt, *Repertorium Eccl. Lond.*, vol. ii. pp. 66–67.

* 3 and 4 Vic. c. 86. Sec. 32.

† T. D. Whittaker's *Richmondshire*, vol. i. p. 339.

ately under the crown ; the *Dean* exercising an independent jurisdiction in all ecclesiastical matters within the parish and its dependencies. He was rector, and entitled to all the tithes of St. Burian : where also a visitation court was held in his name, churchwardens sworn, and wills proved. The appeal from his court was directly to the king in council. Three prebends* were attached to this royal peculiar from the Conquest downwards ; but, before the Reformation, dean and prebendaries had deserted St. Burian and her shrine. The last dean was the Hon. H. R. Stanhope, who was preferred in 1817. At his death in 1864, the Deanery, which comprised the parishes of St Burian, Sennen, and St. Leven, ceased to exist, and those parishes became separate and independent rectories.†

Spelman says of these *Deaneries*, “Sunt etiam in rure *decani* pauculi nulli collegio præfecti, sed jurisdictione quâpiam gaudentes ; ut *decanus* Ovideniæ, in Comitatu Surriæ ; *decanus de Bello* : *Battel* in Comitatu Cantii, &c., &c.” ‡ He adds, not with his usual accuracy, “Videntur ex ruralium decanorum genere fuisse.”

Such are still, or were until recently, *Deans of Peculiars*. Of others we might speak, but it is not necessary. We have already seen clearly that the Dean of Stamford has no status as a descendant from a *Cathedral Dean* ; we have now further to ask, Is he in any way a *Dean of Peculiars* ?

That his office was originally connected with monastic discipline has never been for one moment suggested. Had it been so connected, we may be perfectly sure that some notice

* Leland says, “Ther longeth to *S. Buryans* a *deane* and a few prebendarys that almost be nether ther.”

† *Parochial History of Cornwall*, vol. i. p. 158 ; Borlase's *Antiquities of Cornwall* (Tanner), p. 67 ; Dansey's *Horæ Decaniæ Rurales*, vol. i. p. 149.

‡ *Gloss. Archæiol.*, p. 165.

of so interesting a fact would have come down to us among the records of Stamford, or those of Browne's Hospital. So also the muniment room of Lincoln Cathedral would tell, if any Dean of Stamford had been appointed by his Bishop for some special purpose, beyond those that come within the province of a Rural Dean. This fair conclusion is supported by the fact that, until the appointment of the late Dean Mantell, no one ever claimed, or dreamt of claiming, any special dignity for the Deanery of Stamford.

But it is said, and by the unread stoutly maintained, that the testimony of many centuries attributes to Stamford Deanery duties to which no Rural Dean would presume to lay claim. I am afraid that such a statement arises partly from the limited powers of a Rural Dean of the present day, and partly from ignorance of the position that officer held before his importance was diminished by the extension of the powers of Archdeacons.*

* "The *rural deans* were for the most part plain and honest divines, not much skilled in the subtleties of the civil or canon laws; but were not the less capable of such office and jurisdiction as depended on known custom and the rules of equity. But, by degrees, when the methods of ecclesiastical justice were corrupted into a greater art and mystery, then began the canonists to pretend themselves the only fit ministers in all courts of Christianity; and, under this character, insinuated themselves into the favour and councils of the bishops, and so obtained the new titles of Archdeacons, Officials, and Chancellors; and then run down the rural deans for men of ignorance or incapacity, that they might the more easily invade all the powers and profits of their offices."—Kennett, *Par. Ant.*, vol. ii. p. 350.

"Ordinatum fuit in Capitulo Ebor per dominum Archiepisc. (Wilhelhum Weikwane) et capitulum, quod, ad exonerationem *decanorum* et sacerdotum parochialium, ordinarentur communes servientes in singulis consistoriis Cur. Ebor. die consistorii archidiaconi, pro executionibus faciendis et mandatis nostris recipiendis, ac de eisdem, ut convenit, certiorandis se presentent," &c.—Ex registro Will. Wickwane Ebor., fol. 34.

"The archdeacons, by the advantage of a personal attendance on the bishop, were by him entrusted to examine and report some causes, and,

To give that position the fairest possible scrutiny, it will be well to consider carefully the personal functions of the *Rural Dean*, and then see if there be any recorded act or acts of the Dean of Stamford, which could not have been officially and duly executed by the *Decanus Episcopi*.

"The proper office of a *Rural Dean*, however constituted (says Gibson), was the inspection of the lives and manners of the clergy and people within their district, in order to be reported to the bishop." Dr. Field somewhat more fully tells us—"That each division of the people of God, in their several limits, have their *archpresbyter*, who may not only take care of the rude and ignorant multitude, but may also with continuall circumspection observe and looke unto the life and conversation of the presbyters which dwell in the *lesser titles*, and show unto the bishop with what diligence each of them performeth the worke of God. Neither let the Bishoppe contend and say, that the people committed to his charge need no *archpresbyter*, as if he himselfe were able sufficiently to governe the same; because, though he be exceeding worthy, yet it is fit, that he should divide his burthens; that as he is over the mother church, so the *archpresbyters* may be over the people abroad; that the ecclesiastical care stagger not, or be not too weak in anything. Yet, notwithstanding, let them referre all things to

by degrees, were commissioned to visit the remoter parts of the diocese, and so to exercise some other judicial power; till, under the bishop's favour and protection, they encroached upon the rights and jurisdiction of the *deans*; getting first an ascendant, and at last, by prescription, a superiority of office."—*Par. Ant.*, vol. ii. p. 345.

The Glossa of Lancelot gives the reason of the Archdeacon ranking above the Archi-presbyter: "Archidiaconus, licet inferior sit in ordine, in dignitate tamen et administratione est major propter curam fori contentiosius exercet, cum archipresbyter solum exercent curam fori penitentialis."—*De officio Archipresbyteri*, tit. xiv.: *Instit. Juris Can. lib. i.*

the bishop, neither let them presume to order any thing against his liking and decree." *

But, however at first the office of *Rural Deans* was merely one of inspection, by degrees they became possessed of a power to judge and determine in smaller matters; and therefore upon the rule of the canon law, at the words "*cuncta tamen referant ad episcopum*," the gloss describes the improvement of their power by custom, "*præter minora, quæ ipsi archipresbyteri determinare possunt, cum habeant ordinariam jurisdictionem*." †

"This then was the *standing* office of rural deans :—To inspect the manners of the people and clergy, to determine lesser matters themselves, and to report the rest to their ecclesiastical superior. But, as to other branches of power, such as inductions, inquisitions de Jure Patronatûs, custody of vacant benefices, trial of causes by delegation and the like, which have been placed to their account as *branches of the office*, in these they seem only to have been *occasionally* employed by their ecclesiastical superiors; to whom they swore obedience at their admission. And therefore the saying, that they were *sometimes employed* in such matters, would have been less apt to mislead the reader, than the

* Dr. Field, *Of the Church*, bk. v. p. 507.

† Courts Christian not seldom encroached upon the rights and prerogatives of the crown. The following shows to what extent they would sometimes try to act: "Quare secuti sunt placitum in Curiâ Christianitatis (de catallis et debitis quæ non sunt de testamento et matrimonio) et Decanus de Stamford tenuit idem placitum in eâdem curiâ, contra prohibitionem nostram et deceptionem curiæ nostræ fecerunt prædictum (Alexand. de Depur.), eadem excommunicari, capi, et imprisonari, et prisonâ nostrâ Linc. detineri quousque deliberatum fuit per præceptum nostrum."—Prynne's *Papal Usurpations*, tom. iii. book v. c. i. ann. 39 Hen. III. p. 111. The above proves clearly that the Dean of Stamford is simply a Rural Dean with powers given him at times by the Bishop to hold a Curia Christianitatis.

representing such duties, wherein they were but *occasionally employed*, as powers of right belonging to the office." *

Mr. Dansey thinks that Bishop Gibson and his authorities are, in the foregoing statements, mistaken ; and in support quotes Mr. Somner, who says that the office of *rural deans* was very undefined : " Their jurisdiction, for ought that I can find, is not so certain or particularly laid down anywhere, as it can be said to be, of this or that form, or to be thus or thus bounded out. And therefore, as they are generally amotive, and removable *ad nutum constituentis*, so is it arbitrary to the superior that ordains them, I suppose, with decency and order, what charge or business they shall undergo." †

Mr. Dansey measures their powers with marked common sense :—" We judge of them alone by their exercise, and, however subordinate our rural ordinary may in all time and in all places have been, the great machine of ecclesiastical discipline having been principally conducted and applied by his agency in *country* districts, he must be viewed as an important personage in the by-gone days of his plenary jurisdiction. An officer, to whose personal vigilance, subordinate or apart from the archdeacon, as the case might be, the bishop consigned the vicarious visitation of the rural cantonments of his diocese—the supervision of the clergy therein as to manners and function, the detection of vice—the support of churches and ecclesiastical mansions—and the care of all things that concerned the public worship of Almighty God—cannot have been other than a most influential member of our church police, while capacitated to fulfil, and actually discharging such grave and vital duties." ‡

* Kennett's *Parochial Antiquities*, vol. ii. p. 368.

† *Antiquities of Canterbury*, part i. pp. 175, 176.

‡ Dansey, *Horæ Decanice Rurales*, pp. 165, 166.

At the end of the seventeenth century, Rural Deans in the Diocese of Salisbury were authorized :—

"1. *To view infra decanatum*—Churches, chancels, parsonages and vicarage houses, hospitals, almshouses, church-houses, and free schools, *semel in 6 mensibus* saltem in anno, and to present decays to the Bp̃ or Chancellor."

"2. *To observe*—Parsons, vicars, curates—as to conversation, performance of duty, conformity to laws, diligence in reading service, administering sacraments, preaching, catechizing, preparing for confirmation, marrying &c.—church-wardens, as to performance of duty—scholē-masters as to teaching and catechizing scholars, bringing to church on Sundays and holy days ; and to acquaint the Bp̃ if amiss."

"3. *To examine* differences, and compose or delate to Bp̃ reports of scandalous offences *contra Leges Eccles.* :—

"4. *To execute or cause to be executed* mandates, orders sent *immediatē ab Episcopo, mediante archidiacono.*"

"5. *To acquaint* Bp̃ if any conventicles, disorders, &c."

"M̃d. hospitals—terriers—registers of christenings, marriages, burials." *

Let us now examine carefully what is known of the Deanery of Stamford, from the earliest notice of it, and see whether any of its doings did not come well within the grasp of the "*Decanus Episcopi*," exercising, under the authority of his Diocesan, the powers we have enumerated. If they did, then is the Dean of Stamford simply a Rural Dean with, all will readily admit, a highly important ruri-decanal charge.

1. The first mention of the Deanery is at the close of the twelfth century, just at the time when parochial organization in England had become almost universal.

* *Notitiæ Sethi Episcopi Sarum*, fol. 339.

Peter the Dean is specially considered in a charter, dated February 3, 1170-71.* "Be it known to present or future people that I, Richard de Hamet, Constable of Normandy to Henry, King of England, in the intuition of the high piety, and for remission of my sins, and at the petition of our beloved William de Coleville, have given and granted, and by this present charter confirmed to the Abbey of St. Michael of Staunforde; and to the nuns there serving God, the Church of St. Andrew of Staunford, which Peter the Dean has, to be held in alms for ever : saving, so long as he shall live, the right of the forenamed Peter." Had Peter been a Dean with his church and leuga, no gift of that church to an abbey could have taken place ; for then it must have been already specially attached to some abbey. He was simply the Rural Dean of the day, with the clergy of Stamford as his Chapter. At his death the Church of St. Andrew became free, and some other Stamford beneficed priest became Dean.

2. In 1194, Hubert, Archbishop of Canterbury, in his charter to the Abbot and Convent of Burgh (Peterborough), writes thus :†—"Whereas ye have piously and liberally granted to our beloved son and dere Master Reiner of Stanford, the tythes of the demesnes of four men of the parish of Bernake ; to-wit, of Geoffry, son of Geoffry, Hugh Fannel, Gilbert, son of Hugh, and Geoffry Hok, to be held of you for ever, at the yearly rent of twenty shillings ; And whereas the same Master Reiner, through the devotion he bears unto your church, desirous of being assistant to its

* Ex Registri prioratus S. Michaelis penes Galf. Minshul gen. 1657, folio 4 *b.* citato in *Mon. Ang.*, tom. ii. p. 880. Peck's *Stamford*, lib. v. p. 10.

† Ex Registri Suapham nuncupati fol. 40. Peck's *Stamford*, lib. vi. p. 15.

profit, and to augment its rent, hath added ten shillings thereto ; we, by the present writing, commend that donation. Farewell." A charter of Ascenila de Waterville and another of Matildis de Diva, her sister, informs us that Reiner was about this time Dean. He was either Dean when the Archbishop wrote of him (probably not, as no mention is made of the office by the Primate), or very soon after, but in either case the same in position as his predecessor Peter. They, who wish to raise the Deanery to a dignity, with more zeal than knowledge, assert that a Rural Dean could not have tithes granted to him. In the first place, the grant was, in all probability, made to Master Reiner as a stipend or increase of a stipend for some parochial charge ; and further, it was no uncommon thing for Rural Deans to hold tithes for their own special benefit, or to meet the expenses of chapter gatherings, and periodical visitations. The granting of tithes, as here set forth, proves nothing whatever as to the nature of the Deanery ; and, had the Dean possessed any special position beyond that of a Decanus Episcopi, the two last-named charters, when referring to him, would undoubtedly have credited him therewith.

3. In 1214 Geoffry, Dean of Stamford, witnesses to a grant by Hugh de Diva of the third part of the church of Corby to the nuns of St. Michael, Stamford.

"Hugh de Diva, to all his men and friends, French and English, as well present as future, greeting. Your universality shall understand, that I have granted, and by this my present charter confirmed, to God and to the church of the nuns of St. Michael of Stanford, the third part in the church of Corebi, which Matilda de Diva, my mother, gave to the aforesaid nuns, and confirmed with the impression of her seal ; for the souls of my ancestors, and for the health of my own

soul, into pure and perpetual alms, with all its appurtenances. Witnesses, Ricard of Burg, Hugh de Briecestre, Geoffry dean of Stamford, Robert dean of Burton, Mathew the capellan, Ralph the capellan of Hengistil, Master Samson, Ralph de Diva, and Robert de Diva, Robert Coce, Reginald Corsib, and many others.” *

Here, evidently, the Deans named were Rural Deans. The Rural Dean of Stamford signs because the nunnery of St. Michael was in Stamford, and the Rural Dean of Burton, because the church of Corebi (Corby) was within his Deanery.

4. In 1222, the monastery of Burg petitioned the Pope to secure for them certain tithes that were in danger, beseeching him to order some very old men to be examined about the matter. In reply † “the Pope sent his apostolical letters to the Priors of Deping and St. Leonard by Stamford, and to the Dean of Stamford, that they should hear and examine such witnesses, as the abbot and convent could produce, and cause their testimony to be recorded, and to make a public instrument thereof.” Much importance is attached to this mandate. It is held that no Pope would give such important instructions to a mere Bishop’s Dean; the truth being that to such an officer the Pope would naturally apply, as he, of all others, was best able to obtain the required information, and the most fitting person to join in duty with Priors of neighbouring religious houses.

5. Seven years later (April 12, 1229), the Cluniac monks of Lewes complained to the Pope about the disobedience of the monks of Bromholme, touching the election of a Prior

* From the original now in the Earl of Exeter’s Archives. Peck’s *Annals of Stamford*, lib. vii. p. 14.

† See Bishop Patrick’s *Supplement to Gunton’s History of Peterborough*, p. 295. Peck’s *Annals of Stamford*, lib. viii. p. 5.

over their Cell. Upon which the Pontiff sent his * mandate to the Abbot of Ossulvestune and the Deans of Stanford and Rotelande, or any two of them, to summon the party before them; and, after hearing what they had for themselves severally to alledge, to decree all matters between them according to equity; from which by his said letters he prohibited all future appeal. Upon receipt whereof the Abbot of Ossulvestune and the Dean of Rotelande summoned the parties to meet in St. Mary's Church by the bridge at Stanford, where they accordingly appeared; and the Prior of Lewes, by his Proctor the Prior of Castle Acre, set forth an account of the Prior of Acre's claim; which being heard, after many altercations, a composition or agreement by consent of all parties was at last made and sealed with all their seals, and so left with the Abbot of Ossulvestune to see it executed. "Done at Stanford, in the Church of the Blessed Mary near the Bridge, on Wednesday next before Palm Sunday, A.D. 1229. Witnesses, the Dean of Stanford, &c., &c., &c."

There was at this time no Dean with dignity of Rutland. Here he was the Rural Dean of Rutland, and he acted with his brother Rural Dean of Stanford.

6. In 1240, William Earl of Warrenn gave the Nuns of St. Michael by Stamford a rent charge of forty shillings *per annum*, arising out of the profits of his mill at Wakefield. The Earl's charter on that occasion is thus worded. "To all the children of holy mother Church, unto whom the present writing shall come, William Earl Warrenn

* "These things were not so much done at Stanford because the Dean of Stanford was a Commissioner, as that they might be determined with the approbation of William, Earl Warren, patron of the Monks of Lewes, then I suppose at his castle at Stanford."—Peck's *Stanford*, lib. viii. p. 11.

greeting in the Lord. Your universality shall understand, that I, in an intention of charity, and for the health of my soul, and for the souls of my father and my mother, and of all my ancestors and my successors, and for the health of the soul of Helias de Macnile, have given and granted, and by this my present charter confirmed, into pure and perpetual alms, to God and the Church of St. Michael of Staunford, and to the Nuns there serving God, forty shillings of silver to the same Nuns yearly, to be paid out of the rent of my mill at Wakefield, at the Feast of St. Michael, which I have assigned unto the Kitchen of the foresaid Nuns, so that the foresaid Nuns observe the anniversary of the foresaid Elias, yearly on the eve of St. George. And this concession and donation, I, William Earl Warrenn, and my heirs, will warrant to the forewritten Nuns, against all men for ever. And that this my concession and donation may be established and remain for ever unshaken, I have corroborated my present charter with the putting to of my seal. Witnesses, John de Basyngburne, Ralph de Normanville, Ralph de Wanney, Ralph of the White Monastery, Alexander, Dean of Staunford, the said Vicar of St. Andrews, &c.”*

It will be observed that the Dean of Staunford occupies just the position which would attach to the Rural Dean and nothing more. The Nuns of St. Michael were within his Deanery and he is a fitting witness to the Charter, becomingly preceding the Vicar of St. Andrews and others.

7. In October, 1281, the Official of the Bishop of Lincoln writes “to the discreet man, the Dean of Staunford,” as follows:—“To you, by firmly enjoining, we command, that you cite the said Peter (Sir Peter de Burley) peremptorily

* Ex Registri prioratus St. Michaelis penes Galf. Minshul. gen. 1657, fol. 16 a. citato in *Mon. Ang.*, tom. ii. p. 882 b. Peck's *Annals of Stamford*, lib. viii. p. 23.

to appear before us, on Wednesday next, after the commemoration of All Souls, in the Church of All Saints, at Northampton ; to hear and see the taxation aforesaid ; that ye compel him to make payment of the aforesaid mortuary to the forewrit religious, by censure ecclesiastical. Also, that ye acquaint, at the said day and place, by your letters patents, what ye shall thereupon act.”* In obedience to the said letter of the Official, the Dean of Stamford excommunicated the said Peter de Burley, who thereupon submitted, and paid the mortuary. The Dean formally reports what he had done :—“Your commands I have reverently and fully executed, also him, as to payment of the said mortuary, by censure ecclesiastical I have compelled. In witness whereof, I have put to the seal of the Deanery of Stamford.” Here again, the whole proceeding tells of the Bishop’s Dean (it could not possibly relate to any other), whose duty it was, according to the Canons of 1195, to inspect morals, to issue citations, and, when necessary, to excommunicate the wilfully perverse. To that officer the Bishop’s Official would necessarily resort, and, when an answer was returned, the Rural Dean would, as a matter of routine, place his seal of office to the instrument.

8. The same course precisely was pursued in January, 1334, when the patronage of the Wardenship of the Priory of St. Michael without Stamford was in question. The Archdeacon of Lincoln’s Official, acting on the mandate of the Bishop of Lincoln’s Vicar-General, sent an injunction to the Dean of Stamford to call a chapter of his clergy and enquire to whom the patronage really belonged.† The

* Ex Registri penes Nob. Ducem de Monte Acuto, p. 317. Peck’s *Annals of Stamford*, lib. ix. pp. 11 and 12.

† Ex Codicis MS. in Bib. Cott. sub Imagine Vesp. E., xxi. fol. 63. Peck’s *Annals*, lib. xi. pp. 12–15.

chapter was called, and the inquisition made, and duly returned. "All which (says the Dean) to you I signifie by my letters closed with the seal of my letters munitied." No such injunction would have been addressed to the Dean of a Cathedral, or a Dean of Peculiars, and received a reply couched in such words. The Dean of Stamford was on this occasion none other than the "Decanus Episcopi," "Decanus Christianitatis," the "Rural Dean."

9. If we examine the general taxation of Church dignities and benefices in 1292 we are driven to the same conclusion. It was divided into two parts ; the first called the taxation of the temporalities of the clergy, the second of their spiritualities. In the taxation of the temporalities of the clergy are these particulars :—

| | | | £ | s. | d. |
|-----------------------------|----------------------------|----|----|----|----|
| The Abbot of Valdey, in the | <i>Deanery of Stamford</i> | .. | 1 | 1 | 0 |
| The Prior of St. Leonard | „ Hoyland | .. | 3 | 2 | 0 |
| „ „ „ | Nesse | .. | 0 | 15 | 0 |
| „ „ „ | Stamford | .. | 7 | 17 | 6 |
| „ „ „ | Manlake | .. | 3 | 3 | 0 |
| „ Newstead | „ Stamford | .. | 9 | 3 | 0 |
| „ „ „ | Botelshame | .. | 1 | 14 | 0 |
| „ „ „ | Roteland | .. | 5 | 19 | 11 |
| „ „ „ | Colynham | .. | 10 | 0 | 0 |
| „ „ „ | Nesse | .. | 12 | 0 | 0 |

In the taxation of spiritualities of the *Deanery of Stamford* we have named :—

| | | |
|----------------|---------------|--------------------------|
| St. John's Xn. | St. Martin's. | St. Mary's, Bynwerk. |
| All Saints'. | St. Peter's. | St. Michael's (Great). |
| St. Marie's. | St. George's. | St. Michael's, Cornstal. |
| St. Paul's. | Holy Trinity. | |

All the above within the Deanery of Stamford—therefore Stamford must have been a Rural Deanery.

Every authority says the same. No writer from the twelfth century ever hints that the Deanery was a Peculiar.

10. But there is one fact in the story of Browne's Hospital, which by itself would be quite sufficient to prove that the Deanery of Stamford is simply a Rural Deanery, neither more nor less. At the death of the Confrater, Robert Tipping, on May 4th, 1727, the Dean of Stamford, Gregory Henson, M.A. appointed himself his successor. Is it to be supposed that an officer of the Church, holding a Deanery with a *vera dignitas*, would seek to exchange it for the comparatively humble office of sub-warden of a Bedehouse? Had the Dean of Lincoln the patronage of a Minor Canonry, we might as readily believe, that he would resign his Deanery, appoint himself, and so become a subaltern in the Cathedral, instead of the head of it, as to think that a Dean of Stamford, occupying a Peculiar, would throw up his higher office, and struggle to become Confrater of Browne's Hospital.

That which has long given to the Dean of Stamford a prominent position, and led the unread to believe that he must be "more than a mere Rural Dean," is the fact that in the charters of Richard III., Henry VII., and James I., he appears as a trustee for Browne's Hospital. But holding such an office in the Hospital does not in any way change his ecclesiastical position. He is simply a Rural Dean, with an official trusteeship superinduced. Sometimes it is weakly pleaded that, as a Rural Dean only exists at the will of the Bishop, he therefore could not possibly hold legally a trusteeship. There is no force in the assertion, inasmuch as at the close of the fifteenth century, Rural Deans of Stamford were deemed as secure in their office as the Vicars of All Saints' in their incumbency; and even had it been so, the removal of one Dean by death or otherwise was followed at once by the appointment of another. Indeed, from the very fact of the Dean of Stamford being *ex officio* Trustee of

Browne's Hospital, the Bishop would never think of removing him from his office, save for gross misconduct,* as such removal would be palpably opposed to the best interests of the Charity.

Had the Deanery of Stamford been anything more than a Rural Deanery, the records preserved by the Bishops of Lincoln, and those recognised by ecclesiastical chroniclers, would have told the story distinctly. The Deanery is named by various writers from 1107 to the present moment as a Rural Deanery, but not a shred of testimony claims for it any higher standing.

Dean Mantell, who was, I believe, the first to adopt the designation of "Very Reverend," in 1867 † writes thus : "In the year 1863 I received a letter from the Bishop of Lincoln, offering me the Deanery of Stamford, lately held by Archdeacon Bonney. His Lordship described it as an *ancient Peculiar*. As such I accepted it, and was admitted by him thereto by regular ‡ *Deed of Institution*. Subsequently

* In a letter of the Confrater Thomas Wilkinson, dated Langtoft, Aug. 5th, 1617, we find that the Dean was on a certain occasion removed by the Bishop : "Which when I afterwards knewe, I complaynd to Mr. Abel Smith, the Deane of Stamford, and Mr. Barker, who visited at my request. Then, after that, I complaynd to the Bishop of Lincolne, who put the Deane out of place and put Mr. Walker in his roome."

† *Stamford Mercury*, Oct. 18th, 1867.

‡ In answer to the Bishop of Lincoln upon the point, Dr. Kennett writes : "I believe the *rural deans* were long appointed by the diocesan without any formal commission *in scriptis*, and invested in the office by the delivery of the *common seal*, which, at the death of each *dean*, was returned to the bishop or committed into custody by his order, to be given to a successor at the bishop's nomination."—Par. Ant., vol. ii. pp. 356, 357.

Kennett further observes : "The *dean* of the arches, or peculiars, in London kept his customary rights and obtained some new prerogatives, because there was no archdeacon to restrain him ; whereas in other ordinary *deaneries* the respective archdeacons had so cramped the authority of *rural deans* (nay, in some dioceses had extorted from

his Lordship stated his opinion, that the nature of the Deanery was sufficiently established to justify him in giving me the style at present in use."

If the Dean's account be literally accurate, what he says in no way bears argumentatively with force upon the question. No authorities being quoted, it may fairly be supposed that the Bishop, not having considered the matter carefully, came to a hasty and wrong conclusion. *The Regular Deed of Institution* and the *Title bestowed* were simply natural and necessary results of the Bishop's error, and, therefore, as worthless as his Lordship's conclusion.

Dean Mantell's testimony is far from strengthened by the serious mistake he made, when upholding the validity of the opinion expressed by the late Reverend W. Forster in a letter addressed to Dr. Tanner, author of the *Notitia Monastica*, in 1702, and annexed to Peck's *History of Stamford*, viz. that "the Dean of Stamford was formerly a person of great power, and the clergy of Stamford, religious and secular, were his chapter, which makes him something more than a meer Rural Dean." Strange as it may read, the Reverend W. Forster says precisely the reverse. His words are :—

* "Stamford is the head of a Rural Deanery, and there

the weaker bishops the power of constituting and removing them at pleasure) that I presume there was no great solemnity in appointing men to execute the declining office, commonly bestowed by verbal nomination and tradition of the seal."—'Par. Ant.,' vol. ii. p. 358. In the *patent* of the *dean rural* of the *deaneries* of Kendal, Lonsdale, and Catherick to Thomas Bland, A.D. 1551, it is said, "*Tibi in virtute juramenti tui coram nobis de officio prædict. fideliter exequen. in hac parte prius præstit. damus et concedimus,*" &c.; and the oath is again referred to in the bishop's 'Charge to the Deans,' A.D. 1594. It probably after a time ceased to be required, as no notice of it is found in any subsequent *patent*.—'Ex Libro MS. penes W. Ward, Regist. Episc. Dioces. Cestriens.'

* Forster's *Letter to Dr. Tanner*, p. 12, annexed to Peck's *Annals*.

has always been a Dean nominated by the Bishop of Lincoln, as often as it has become vacant, in order to fill up the vacancies in the above mentioned Bede-house." The fact is, Dean Mantell quotes the foot-note of Peck, or some other, who evidently knew very little indeed of the powers of a Rural Dean before the Reformation. Is it likely that Mr. Forster, who resigned the Wardenship in 1708, would declare Stamford a Rural Deanery, if tradition had ever breathed of it as a Deanery with a *vera dignitas*?

Again the Dean, in a letter, *full of errors*, addressed to the Editor of the *Stamford Mercury*, dated, October 18, 1867, and already quoted, observes: "I have strong reasons to doubt the correctness of Mr. Walcott's remarks, made in reference to Bishop Kaye, on his Lordship's revival of Rural Deans"—Mr. Walcott having stated that the Bishop considered the Stamford Deanery but a relic of Rural Deaneries of old. The Prebendary, I feel sure, was right; for I find, in the Appendix* to Dansey's *Horæ Decanicæ Rurales*, Stamford named among the Rural Deaneries of the Archdeaconry of Lincoln, and also the following:—"Within this extensive Diocese (Lincoln) there were, till lately, no Rural Deans; but they are now, I am happy to say, generally revived. *The office, Bishop Kaye found at the period of his installation, had long fallen into disuse, the only trace of it then remaining being in the deanery of Stamford; where, the Bishop says, 'it seems to have been preserved, solely because the Dean, in conjunction with the Vicar of All Saints', has the appointment of the Warden, &c., of Browne's Hospital, of that town.'*"

Another of the Dean's statements cannot be left un-

* Vol. ii. p. 430, 2nd ed. Prynne mentions the Deanery of Stamford in the 39th year of Henry III., from the *White Tower Records*. See his *Papal Usurpations*, tome 3rd, book v. c. i. p. 111.

noticed, so extraordinary is it:—“I hold both appointments, being Rural Dean of Ness as well as Dean of the ancient Peculiar of Stamford.” In reply we cannot do better than quote the opinion of a very learned Bishop, one of the leading Ecclesiologists in Christendom, put with great clearness and very forcibly.

“There is nothing in the position of the Dean of Stamford except (1) his official Trusteeship, and (2) the accident that some Bishop has appointed a Rural Dean over and above him, to distinguish him from all Deans Rural. And in case of the dispute as to the Trusteeship, it would be a moot point whether the Rural Dean and not the ‘Very Reverend’ were the real Trustee.”

The status of the Dean of Stamford has now been, we trust, fully and fairly considered, and that with the strictest impartiality. We cannot better conclude our task, than by noting what that status was deemed by careful writers of the last century. Bacon’s *Liber Regis* gives Stamford as a Rural Deanery, in the Archdeaconry of Lincoln (1786); Browne Willis, in his *Survey of Lincoln Cathedral*, gives a list of all the dignitaries of the Diocese, but only mentions Stamford as a Rural Deanery (1730); honest old Harrod, in his *History of Stamford*, supplies precisely the same testimony,* “Stamford is the head of a Rural Deanery, and the Bishop of Lincoln nominates when it is vacant, in order to fill up the vacancies of Browne’s Hospital.”

It is indeed an honourable distinction to be in Stamford the “*Decanus Episcopi*,” the *Rural Dean*. The honour of that office, when ably filled, is infinitely beyond the imaginary dignity attending a Deanery which is so peculiarly a Peculiar that as a Peculiar it never had any

* *Harrod*, vol. i. p. 69.

existence. The Deanery of Stamford is neither more nor less than a Rural Deanery, which, from the accident of the Trusteeship of Browne's Hospital, has never been allowed to drop, and has therefore not required to be revived, as has been the case with the Rural-Decanate generally.

CHAPTER V.

THE CHARTER OF JAMES I. VISITATION BY THE BISHOP OF LINCOLN.

WHAT took place during the early working of the Hospital no one can say. At first, we may suppose that all was carried on with becoming care ; and this view is supported by the fact, that there is no record whatever of any marked early irregularities. We can, however, scarcely believe that the charity entirely escaped the abuses which, in those lax and disturbed times, so commonly attended such institutions. That, on the whole, those in charge did their duty honestly may be inferred from the treatment received by a body of accusers who, while pretending to act on the side of justice and integrity, were evidently seeking solely their own interests, more than the well-being of the poor. These unscrupulous men not only assailed the authorities directing the Hospital, but went so far as to maintain, that certain flaws and imperfections existed in the foundation of the charity. The plot, craftily conducted, was to convert the lands of the Hospital to the use of the complainers ; who made a bold appeal to the crown, fully expecting that there they would find ready support. Greatly were they disappointed. The king gave the fullest protection to the charity, new founded it, and by Royal Charter, dated May 4th, 1610, settled all the lands given by the Founder, and enlarged all the privileges and immunities which were granted by Henry VII. ; requiring only, that the House

should be called the Hospital of William Browne, of the foundation of King James. His Majesty also graciously presented to the Hospital his portrait.

The charter recites and confirms the previous charter of Richard III. and Henry VII., and administers a cutting reproof to those who would have readily and gladly robbed God's heritage. Its words deserve to be written in letters of gold :—

“AND WHEREAS some persons, discovering some defect and invalidity in the aforesaid Letters Patent, and other conveyances aforesaid, have, of late, endeavoured wholly to overturn the estate of the said Almshouse, and to transfer to their own private advantage the lands, tenements, and possessions of the same, or some of them, religiously and piously given and granted by divers pious and well-disposed persons, for the support of the poor of the said Almshouse for the time being : and that they might the more bring into effect their aforesaid endeavours and intentions, have laboured to acquire to themselves the before-mentioned lands, tenements, and hereditaments of the said Almshouse, Under our right and title, WE, wishing to cherish and support the pious and charitable works of good and pious men ; and being unwilling that by us, or in our right, or under pretext of our name, any damage or injury should be sustained by the poor and needy, and altogether detesting to be enriched by revenues or anything whatsoever destined to such uses ; and being, moreover, of our more abundant grace willing freely and graciously to contribute and afford whatsoever our right, title, and authority, which we have or can have in the premises, for the confirmation, support, and establishment of the aforesaid work, do, of our special grace, and of our certain knowledge and mere motion, will, and by these presents for ourselves, our heirs, and

successors, do grant, That the aforesaid house, situate and being in Staunforde aforesaid, now commonly called the Almshouse of Staunforde aforesaid, be, continue and remain, henceforth for ever, an Hospital of poor persons in Staunforde aforesaid, in the said county of Lincoln, for the support, relief, and maintenance of poor persons of each sex."

The Charter then directs, that the Hospital shall consist of *one Warden, one Confrater, ten poor men, and two poor women* ; and in the most ample manner ratifies all its privileges, immunities, and grants, and maintains all its possessions held for sixty years uninterruptedly. It provides, that when, and as often as, any of the said Warden, Confrater, and twelve poor persons of the Hospital, shall die, or be removed from the said House for any cause according to the ordinances, provisions, and constitutions, heretofore made, or hereafter to be made for the rule, government and direction of the said Hospital, or shall by any other means whatsoever, be removed from the said House, or shall voluntarily depart from thence, the Dean of Stamford for the time being, and the Vicar of All Saints', shall nominate, and admit another fit person of the same sex, within fourteen days ; and if they fail to do so, the heirs of William Browne and their heirs shall for that turn nominate ; if they do not appoint, the Alderman (now the Mayor) of Stamford shall have power to act in the matter ; if he have failed, the Bishop of Lincoln shall act ; and if all fail, it reverts to the Dean and Vicar, and again in rotation to the parties above mentioned. The only alteration here made in the manner of appointing is the omission of the name of the Abbot of Croyland. The desire and wish to carry out the will of the Founder is thus clearly, distinctly and strongly expressed :—"We do also will and grant for ourselves, our heirs, and successors, that all and singular the laws, statutes, and ordinances

heretofore made, declared, or constituted by Thomas Stokke, shall henceforth for ever, stand, continue, and remain in full force and vigour, and that they shall be respected in all things and in all respects stable and firm, according to the tenor and effect of the same, so far as the said laws, statutes, and ordinances be agreeable to the laws and statutes of our Kingdom of England, and not contrary or repugnant to the said laws or statutes; which said laws, statutes, and ordinances, made, declared, and ordained by the aforesaid Thomas Stokke, as before mentioned, so far as the same are not contrary or repugnant to the laws and statutes of this Kingdom of England, we do, so far as in us lies, for ourselves, our heirs, and successors, by these presents, confirm, ratify, and approve. And we do will, and by these presents do grant for ourselves, our heirs, and successors, that the Bishop of Lincoln, with the assistance and consent of the Archbishop of Canterbury, for the time being, shall, from time to time, revise, examine, and inquire into the ancient statutes, laws, ordinances, and constitutions of the late-mentioned Almshouse, or reputed Almshouse aforesaid; and so many and such only of the said ancient statutes, ordinances, and constitutions as and as far as the same are repugnant or contrary to the laws and statutes of this our Kingdom of England, shall thoroughly take away, abolish, and obliterate, to the extent that they be not hereafter put to use or execution; and also make and constitute so many such, and other like good, fit, and salutary statutes, laws, ordinances, and constitutions, in writing, as well concerning the divine service daily to be celebrated in honour of God in the aforesaid Hospital, as concerning the government and direction of the Warden, Confrater, and poor, to be supported in the Hospital aforesaid, as and which shall

appear to the said Bishop of Lincoln for the time being, with the assistance and consent of the Archbishop of Canterbury for the time being, good, useful, fit, and salutary, and not being contrary nor repugnant, or derogatory to the ancient statutes, ordinances, and constitutions of the aforesaid Hospital, so far as the said ancient statutes, ordinances, and constitutions of the said Hospital be not contrary or repugnant to the laws, or statutes of the Kingdom of England."*

This Charter also incorporated "the Warden, Confrater, and poor of the Hospital of William Browne of Stamford, in the County of Lincoln, of the foundation of James, king of England," granting them perpetual succession, and a common seal, with power to hold land and possessions (without limitation), to plead and be impleaded, defend and be defended, answer and be answered, in all and singular causes, complaints, suits, and actions whatsoever, in as ample manner and form as other persons, able and capable in law, do, and can and may be able to do, in courts, places, and jurisdictions, and before all judges, justices, and commissioners.

No one can read this charter without being impressed by the very great care taken, scrupulously to protect the laws originally laid down for the governance and care of the Hospital. They are to be inviolably observed, save only where they are opposed to the laws and statutes of the realm. This wise and prudent forethought proved of the highest value to the charity at an after period, when attempts were made to intrude upon its rights and its revenues. Palpable proofs of this will be seen as the story of the Hospital advances.

It is gratifying to find the names of the then inmates of

* Blore, *Account of the Public Schools and Hospitals in Stamford*, pp. 162-181. For Latin Charter see Appendix.

Hospital duly recorded in this noble charter : “ And for the better performance of our grant in this behalf, we elect, nominate, assign, and appoint, and by these presents for ourselves, our heirs, and successors, do elect, nominate, assign, and appoint, that our beloved Peter Titley, clerk, be, and shall be, the first and present Warden of the said Hospital ; and that our beloved Thomas Shorthose, clerk, be, and shall be, the first and present Confrater of the said Hospital, and of the lands, tenements, rents, possessions, revenues, goods, and chattels, of the said Hospital. And, furthermore, of our more abundant spiritual grace, we do, of our own certain knowledge and mere motion, elect, nominate, assign, and appoint, and by these presents for ourselves, our heirs, and successors, do elect, nominate, assign, and appoint, that our beloved Robert Batemenson, Philip Parr, John Buddle, John Robinson, John Johnson, William Piggott, Thomas Grundy, Thomas Rodgers, William Rae, Edwin Tidd, the widow Christian, and the widow Ann, be, and shall be, the first and present twelve poor persons of the said Hospital, there to continue to be supported and maintained during their natural lives.”

Thus was successfully foiled the base attempt to overthrow an ancient and noble charity. Instead of its being suppressed, its foundations were relaid and made thoroughly firm ; and its endowments, instead of falling into the hands of unscrupulous and lying plotters, a generous monarch placed round about them a fence, which fully and effectually resisted their unholy attacks.

As no allusion is made to any alteration in the stipends and allowances of the Warden, Confrater, and poor, we may conclude that they continued as before, but we find, that under new leases it was stipulated, that the tenants should bring in wood for the common use of the house ; and at

times—not very often, I fear,—the poor were otherwise favourably considered.

The new Charter was drawn up with scrupulous care, and had the statutes been as scrupulously observed, the prosperity of the Hospital would have been marked and continuous; but if we may trust Butcher, the town-clerk (not an over-accurate chronicler), we must conclude that the supervision was lax, and that the officers of the Hospital soon began to take liberties with its interests. His survey was published January 1646, just thirty-five years after the new Charter was granted, and he makes the following open accusation:—“William Browne gave to his Bedehouse the manor of Swayfield, seven miles from Stamford, worth 400*l.* a-year, besides divers great farmes, messuages, lands, and tenements in Stamford, Pilsgate, Easton, North Luffenham, and other places of good value. A very pious and liberal gift, though (the more is the pity, as many of the like nature are) much abused by the avarice and misemployment of the governors thereof.” Unfortunately there never had been a prudent and stringent rule laid down as to the manner and terms of leasing the property, and the temptation was, to let at a little more than the nominal rent, so that the Warden and Confrater might by means of large fines secure an immediate benefit, to the great injury of the charity. Butcher in all probability alludes to some such irregularity as this.

During the trying times of Charles I. and the Commonwealth, we could scarcely expect to hear much of Browne’s Hospital. The following inventory of goods and utensils belonging to it was made by Lionel Lambe, February 29, 1639–40, the date, possibly, of his appointment as Confrater. It is interesting and instructive, and certainly implies no very close attention to luxury:—

"An Inventory of all the goods belonging to the Alms-house, taken February 29, 1639, by me, Lionell Lamb.

"*The Kitchen*.—Three brass pots, two great pans, five other pans, two skimmers, one brass basin, one preserving pan.

"One pair of great rack irons, three dripping pans, two irons to set before the dripping pans, a pair of —, a pair of rack irons, three hanging hooks, two pair of pot-hooks, fire shovel and tongues, a pair of bellows, two chafing dishes, one warming pan, one brandlet, one gridiron.

"One new bar of iron, lately bought to beat the coals, one —, one counter, one old cupboard, a pair of masked quernes, five tubbs, and one kennell, one salting tank, one tray, besides wooden platters and an old lee tub.

"Item of Pewter :—Twenty and three 'plates' broken and whole, one double salt, one flaggon, one beaker, and a porrenger.

"One brass candlestick, two pairs of sheets, three board cloths, three napkins, which were Edward Yorke's, four pillow cases, six blankets, two coverlids, one flock bed, one feather bed, two bolsters, two pillows.

"*Of John Edmunds*.—One little feather bed, one cupboard cloth, and one long table cloth of diaper, one Communion cloth for the Chapel Table, which Mr. Cokes hath with a Communion Flagon, Chalice, and breading of——.

"*The Buttery*.—Two barrels, one churn, and one hogshead.

"*John Bull*.—One safe, and a little table, and one funnell, one long saw, one hand saw, one crow of iron, one spade, iron wedges, two well drags, one pestle and mortar, ladders six.

"*Great Chamber*.—One pair of bellows, tongs, fire-shovel, andirons, one pair of tables."

We have also a record of discipline exercised at this period :—

"On the 18th of June, 1653, John Wadeson and Baldwin

Barker, poor men of Browne's Hospital, in Stamford, were both convicted, by good people, as also by their own confession, of gross crimes, contrary to the statutes of the said House, viz. Wadeson of Drunkenness and Railing; Barker of Drunkenness and Swearing. For which crimes we, according to the power given unto us, do hereby order, that the said John Wadeson's weekly allowance be kept from him for four weeks next coming, and put into the public Treasury of the House, and that, if he shall hereafter be convicted of any of said or other gross crimes, contrary to the Statutes of the House, he will be forthwith dismissed from the House, and the Warden to see to the execution of it; and that the said Barker be forthwith dismissed the House, till further order be taken. In witness thereof we set to our hands, this day and year above written: Abraham Fawkner; R. C. Tavaner; Edward Browne, Vicar of All Saints'; John Richardson, Warden."

This gross misconduct on the part of two of the Poor Men was evidently severely felt by the other Brothers, for we find, that, on the very day the punishments were declared, all the members of the Hospital met and passed the following rule:—

"On the 18th of June, 1653. It is this day agreed by the Officers and the Poor Men of Browne's Hospital, that, for every oath that any of them shall be convicted of by the testimony of one witness, he (or she) shall pay out of his weekly wages the sum of four pence, which shall be put into the common treasure: Abraham Fawkner; R. C. Tavaner; Edward Browne, Vicar of All Saints'; John Richardson, Warden. It is witnessed by the Persons whose names are here underwritten, that this was assented to by the poor men of the said Browne's Hospital: Ts. Jn. Godwin; Richard Rogers."

An incident, which places a Warden before us as a loyal warrior, occurred during the period we have now under consideration. Lowe, in his notes to Harrod's *History of Stamford*,* tells us that during the Civil War, Dr. Styles was Warden of the Hospital ; that Dr. Michael Hudson, who had formerly held the Rectory of Uffington, escaped from the Tower of London, after two years' imprisonment, and came down to Stamford in 1648, when he was assisted by Mr. Styles in raising a party of horse. For a time they gave some trouble to the parliamentary forces, but at last were besieged (on 6th June, 1648), in Woodcroft House, in the parish of Etton, in Northamptonshire, about seven miles from Stamford.

"After the house was taken and Hudson's head half cloven asunder, the soldiers flung him from the window into the moat below, where, catching hold of a spout, he hung till they chopped off his hands. Falling into the deep water the gallant loyalist paddled with his stumps, and begged that he might die on land ; but when he neared the bank, one Egborough, servant of the Rector of Castor (a parish near), killed him with the butt end of his musket, and one Walker, a grocer of Stamford, cut out his tongue, and carried it about the country ; for Hudson was the King's favourite and confidant. Yet, for preachers of the Gospel of Jesus to put on armour and embrue their hands in human blood is surely a sad perversion of the ministerial function. Such things can never be required at their hands."

Styles made his escape and lived till after the Restoration.† In 1662, he was reappointed to the Wardenship, on

* Harrod's *Stamford*, vol. ii. 383. An engraving of Woodcroft House, with a representation of Dr. Hudson's murder is inserted.

† He is stated in Gough's *Castor*, p. 183—wherein a view of Woodcroft House, and an account of the siege, is given—to have been minister of Croyland.

the removal or death of John Richardson, who had held that office since 1653.

We must suppose that this soldier Warden had been, in his days of adventure, well exercised in looting ; for certainly, when more peaceable times set in, he proved an accomplished and active robber. Complaints were made, which at length became so numerous and so pressing that the Bishop of Lincoln deemed it his duty, as Visitor, to protect the Hospital against the malpractices of one who ought to have maintained its interests with scrupulous care. The formal Visitation of Bishop Fuller is thus recorded :—

“To all Christian People to whom these presents shall come, William, by divine permission, Lord Bishop of Lincoln, wisheth health in the author thereof. Whereas our late Sovereign Lord King James, by his Letters Patents, bearing note at Westminster, the 4th day of May, in the year of his reign over England, France, and Ireland, the eighth, and over Scotland, the three-and-fortieth, hath new founded the Almshouse or Hospital of William Browne of Stamford, in the County of Lincoln, of the foundation of King James of England ; by the which said Letters Patents (as by the same may more at large appear) amongst other things is ordered and granted, THAT the Bishop of Lincoln for the time being, and his successors, by and with the assistance and consent of the Most Reverend Father in God the Lord Archbishop of Canterbury, for the time being, shall and may, from time to time as need shall require, Revise, Examine, and Look into, the ancient Statutes, Orders, and Constitutions, of the said Almshouse, and not only to expunge and cease whatever in the same is contrary to the Lawes and Statutes of this Realm of England, but also to make, constitute, and appoint, other Statutes and Orders which may tend to the glory of God and the

well-government of the said Hospital or Almshouse ; to be observed by the Warden, Confrater, and Poor of the same. WE therefore, considering the duty incumbent upon us, and the many complaints which from time to time were made unto us, of the many breaches, and violations of the old Statutes, and of the embezzling and misemploying of the rents, revenues, and the utensils of and belonging to the said Hospital, by the present Warden Mr. William Styles, made our visitation of the said Hospital, on Monday, the 22nd day of February, in the year of our Lord 1668-9, and adjourned the same from day to day to the 20th of April next following. At which visitation we, to our grief, found the said Warden, Mr. William Styles, to be guilty of the breach of many of the said Statutes ; and that he had embezzled the profits accruing, and the utensils belonging to the said Hospital, both converting the one and the other to his own private use, for which he could not receive his full punishment by reason of some* defect in the old Statutes. WHEREUPON, we saw the necessity of making use of that power which by the said Letters Patents we were invested withal, And therefore, by the assistance, advice, and consent of the Most Reverend Father in God Gilbert, by Divine Providence, Lord Archbishop of Canterbury, we have revised, and examined, and looked into the said old Statutes, and have expunged and obliterated what we found therein contrary to the Laws and Statutes of this realm of England ; and likewise added and supplied, by other new Statutes, what we thought requisite to promote the glory of God, and the better government of the said Hospital : which said Statutes, so altered, added, approved, and confirmed, by the said Most Reverend Father in God, by His Archiepiscopal seal, WE do now transmit to the

* The Bishop has a very limited control over the Warden.

said Hospital, to be kept among the Archives of the same, and to be faithfully and solemnly observed by the Warden, Confrater, and the Poor of the same for ever.

"Signed, GUIL. LINCOLN. Dated, 16th July, 1674."

By the revision of the old Statutes the following alterations were made:—

1. Instead of the Almshouse being for ever "for the Invocation of the Virgin Mary and All Saints," the Invocation is to be "of Almighty God and honour of Christ crucified."

2. The Alderman of Stamford can alone, under certain circumstances, appoint the Warden, or Confrater, or one of the Poor of the Hospital. The Abbot of Croyland is no longer named.

3. The order for Divine Service is as follows:—

"That every day throughout the year, one of the said Warden or Confrater, all excuse laid aside, in the chapel of the said Almshouse, at seven o'clock in the morning, and at four of the clock in the afternoon, shall read the Prayers, Psalms, first and second Lessons, and the Litany, as they are appointed by the Book of Common Prayer established by Act of Parliament. At which prayers I will that the Poor of the said house be personally present, unless hindered by illness." It was also directed that the Holy Sacrament should be administered thrice in the year, on which days there should be a sermon, in which the Warden and Confrater should commemorate the Benefactors of the Hospital, "and give thanks to Almighty God for them, that other good Christians may be thereby excited to works of charity." The old statute ordered a daily celebration. Surely this was a sad falling off, when the aged inmates of the Hospital could only have their souls strengthened and refreshed at the Lord's Supper thrice yearly.

4. The inheritance by one of the Poor of four marks causing removal from the Hospital was raised to 10*l*.

5. The stipends of the Warden and Confrater, and the allowance to the Poor were increased about fourfold; a very just arrangement, as the estates had become more valuable, while the value of money had greatly decreased. The Warden was now to receive 24*l*. a year; the Confrater, 20*l*.; each of the twelve Poor, 2*s*. 4*d*. weekly, or 6*l*. 1*s*. 4*d*. a year. "Should the revenues not amount to so much, after all charges about the reparation of the said House, there shall be a proportionate deduction out of the said salaries and allowances, to be made by the Vicar of All Saints, and confirmed by the Bishop of Lincoln."

But the most important changes made were those relating to rents, leases, and fines, as set forth in the following wisely drawn-up rules:—

Statute XXIV.—And forasmuch as the said lands, woods, farms, houses, and other revenues belonging to the said House, have been let to several tenants at a low rent, they paying considerable fines for the same, which fines have not (as they ought) been converted to the necessary use of the said Hospital, whereby great dilapidation and debts have accrued to the same; For the regulations hereof it is hereby decreed, statuted and ordained that, for the future, no lease or other conveyance shall be made of any messuages, lands, woods, tenements, or other hereditaments, or of any of the revenues of the said Hospital, before the said messuages, lands, and premises so to be demised be first surveyed by the Vicar of All Saints and the Dean of Stamford, or by three such skilful men as they shall appoint; who also shall enquire and inform themselves of the true and clear yearly value of the same, to the end that

no lease be made without mentioning the particulars of the thing described in quality and quantity, nor without a competent fine for the same, which shall be expressed in the lease.

Statute XXV.—And for the better maintenance and supply of the said Hospital I will and decree, that no lease of the revenues of the said Hospital shall hereafter be made or received, without reserving a full fourth part of the value of the thing so demised as a yearly rent in money payable to the said Hospital; and which said fines shall be paid for the making or renewing of any lease. The same shall be put into the common chest, there to remain till the Audit, except the necessities of the said House do otherwise require the same monies; then and in such case it shall be lawful for the Vicar of All Saints, or the Bishop of Lincoln, by a writing under their hands, to order so much to be kept in the common chest, to be expended upon the necessary repairs or the necessities of the said House, and no otherwise.

Statute XXVI.—And I do further order and ordain, that hereafter there shall none of the houses, or other the lands, woods, tenements, and hereditaments of the said Hospital, be let by lease parol, but by lease in writing; and all the leases to be drawn by the Steward of the Bedehouse Court, and none other, who is required to register all such leases in a fair book for that purpose.

That Bishop Fuller in some of his regulations, far, very far, exceeded his powers, must be admitted, but equally true is it that a striking change for the better took place in the management of the Hospital property after 1668, the year of the Bishop's Visitation. The restrictions laid down by the new statutes, whenever new leases were granted, were we doubt not strictly carried out. We draw that conclusion with

confidence from the fact that, after the Visitation, in fifty-eight leases the particulars of which have been preserved, the greatest care we find was taken to protect the interests of the Hospital. When necessary, clauses were introduced specifying that no alienation could take place without consent of the Warden. Certain trees were to be planted yearly; certain taxes paid; fixed quantities of wood carried for the use of the House; terriers duly sent in; and the Warden empowered to enter on any of the lands to cut down, lop, and carry away wood, as might be deemed by him necessary.

It is just possible that the new regime was steadily supported, in its early exercise, by the high-minded and able Vicar of All Saints', Richard Cumberland, who, about the year 1686 (the exact date is not known), became Incumbent of that parish, and so in close alliance with the Bedehouse. He is said to have discharged his pastoral duties with scrupulous attention and indefatigable assiduity, and took, we may be sure, due care to see, as far as in him lay, that the revenue of the Hospital was duly protected. Thrice in the week he preached in his church, and for recreation devoted his spare hours to philosophic and philological studies. His life was one of simplicity and godly content, without expectation, and probably without hope of preferment. It is said that, quite by accident, and to his utter surprise, he read in the newspaper of a coffee-house that Dr. Cumberland of Stamford was nominated to the Bishopric of Peterborough. This faithful priest was consecrated in 1691, and it is gratifying to find that, in a lax age, King William appointed, unsolicited, a man of such piety and activity to fill so exalted a position. For nearly twenty-eight years Dr. Cumberland possessed the See of Peterborough. He was buried in the Cathedral in 1718.

By the promotion of this distinguished divine the Hospital of William Browne, we may believe, suffered seriously. He held the Vicarage of All Saints *in commendam*, and his episcopal duties necessarily left him with but little time to devote to the care of the charity. At the close of the seventeenth century its revenues were again cruelly assailed. Peculation and fraud among its officers became as active as ever.

CHAPTER VI.

THE VISITATION OF BISHOP WAKE. DR. STUKELEY, AND
HIS SELFISH DESIGNS.

WE have seen that, when the Bishop of Lincoln visited the Hospital in 1668, and found the Warden, William Styles, guilty of "embezzling the profits accruing and the utensils belonging to the said Hospital, both converting the one and the other to his own use," the robber Priest "could not receive his full punishment, by reason of some defect in the old Statutes." This was unfortunate, for it gave the fullest encouragement to any future unscrupulous Warden to act dishonestly, and, if the following complaints were only partially founded on facts, John Lawrence certainly proved himself an able follower in the footsteps of William Styles. They were preferred by the Poor in 1698, after Lawrence had been their ruler some thirty-eight years :—

1. "That he came into the Hospital by force, and was never thereof legally possessed.

2. "For his taking away, imbezzling, and wasting, several of the goods and utensils belonging to the Hospital, and which were given to the use of the said Poore. Besides, he is angry and vexatious, contrary to the Statutes.

3. "For his taking away from the said Poore several of their rights and privileges, and converting the same to his use.

4. "For his defrauding the Poore of part of their wood, delivering them only 23 loades in the year, and in some of

those loades only 60 faggots ; when they ought to have had 50 and two loads yearly, with six score faggots to each load.

5. "For selling their wood for several years last past to strangers, and converting the money thereby raised to his own use, without making any account for the same. By which means the woods are so much dampnified, that the said Poore have not wood sufficient.

6. "For his alienating, changing, or disposing a parte of their lands and tenements, contrary to the will of the donor, and the confirm'd Statutes of the said Hospital ; and converting the money raised thereby to his own use.

7. "By his receiving, by fines and other ways, several considerable sums of money for the use of the said House, accompting for only parte thereof, and imploying the residue thereof to his owne use.

8. "For neglecting to keep his Audit yearly within one month of Michaelmas, and then and there to make a just accompt, according to the Statutes of the said House.

9. "For defrauding the Poore of their Audit Money, Lease Money, Clothes Money, and of their Wheate, and their several other necessities, anciently due and payable unto the Poore at Xmas and other tymes.

10. "For his neglecting to administer the Sacrament three tymes every year, and to reade the first and second lessons, according to the Statutes of the said House.

11. "For holding and enjoying, at present and for some years last past, several other considerable benefices and promocons, contrary to the Statutes of the said House.

12. "For neglecting to performe the Statutes of the said House, according to his oath, if ever sworne (wh. Query) and making the Leases contrary to the order of the said House.

13. "That he detaynes their clothes until almost Easter,

when they should have them at Xmas ; and when made, suffers them to be cheated of part of their cloth.

14. " For his neglecting to reade the Statutes of the said House in their open and publick Chappell four tymes by the year before all the said Poore, according to the rules of the said House, and afterwards hanging them up publickly there, as they were anciently accustomed to be ; that the Poore may know their duty, and observe the same ; but instead thereof keeps them in his private custody, that he may punish the Poore by taking away their weekly pay for not observing them."

We can hardly believe that this Petition of the Bedesmen was drawn up by themselves. There is about it an order and clearness, which tell of an intelligent and well-trained mind. Of this, however, we may be certain, that Lawrence had been for long years a cruel, unprincipled Governor, with a tender care for self, but none whatever for the sacred charge entrusted to him. The tyranny and robbery at last became intolerable, and hence the appeal to the Visitor. We may also presume that the age of the Warden, and the position of the Bishop of Peterborough as Vicar of All Saints', led the Bishop of Lincoln to be for a time passive. In 1700, Lawrence died, and was succeeded by John Sedgwick, whose appointment is thus recorded :—

"Memorandum, May 21st, 1700.

"That Mr. John Sedgwick, A.M., being nominated and appointed Warden of the Hospital of William Browne, of the Foundation of King James the First, in Stamford, in the County of Lincoln, by Richard Cumberland, Bishop of Peterborow, as Vicar of All Saints' in Stamford, and Joseph Sedgwick, as Dean of Stamford, under their hands and seals, was sworn and admitted Warden of the said Hospital, the day and year above written, in the place of

John Lawrence, A.M., Warden deceased, according to the Statutes of the said Hospital. In the presence of us :— John Lawrence, Charles Lawrence, Gabriel Holyver, John Cole (his mark).”

John Sedgwick, for reasons not stated, resigned the Wardenship in 1703, and William Forster was presented to the vacancy. His rule lasted only five years, when he was succeeded by Thomas Foster. The Confraternity rendered vacant by this appointment was conferred on John Zeaman. Interesting particulars are given in the following Memorandum, dated March 3rd, 1708 :—

“That Thomas Foster, M.A., being nominated and appointed Warden of the Hospital of William Browne, of the Foundation of King James the First, in Stamford, in the County of Lincoln, by Richard Cumberland, Bishop of Peterburgh, as Vicar of All Saints’ in Stamford, and John Evans, as Dean of Stamford aforesaid, under their hands and seals, was sworn and admitted Warden of the said Hospital, the day and year above written, in the place of William Forster, M.A., who resigned his Wardenship on the 23rd day of February last, according to the Statutes of the said Hospital, the Poor of the House being present at his admission.

“Also that John Zeaman, M.A., was sworn and admitted as Confrater of the said Hospital, the day and year above written, according to the Statutes and Ordinances of the House.

“N.B.—Thomas Foster was nominated Warden by the Bishop of Peterburgh, as Vicar of All Saints’, and John Zeaman, Confrater, by Mr. John Evans, Dean of Stamford.”

Of what occurred during the years following the appointments of Mr. Foster and Mr. Zeaman, no particulars are

known ; the question therefore naturally arises, "Why did the Bishop of Lincoln find it necessary in 1709 to hold a Visitation of the Hospital ? "

We may fairly conclude, that between 1700 and 1708 the irregularities, complained of by the Poor in 1698, had been boldly continued ; and that the new officers, by way of self-protection, and to content the Poor, called upon the Bishop to place matters in a more satisfactory state, and so restore the charity once again to a healthy condition.

The Visitation was made by Bishop Wake, and is thus recorded :—

"Proceedings carried on in the buildings of the Hospital, called Browne's Hospital, within the town or borough of Stamford, in the County and Diocese of Lincoln, on the 13th day of the month of June, in the year of our Lord one thousand seven hundred and nine, in the presence of the Reverend, still in Christ Father and Lord, Lord William, by Divine permission, Bishop of Lincoln, Visitor of the said Hospital, then judicially sitting. In the presence of William Draycott, Notary Public, Actuary in this behalf specially engaged.

"TO WHOM, on the day and hour, a little after the public reading of Morning Prayer, in the Chapel of the said Hospital, there assembled together voluntarily, and personally, the Reverend, truly in Christ Father and Lord, Lord Richard, by divine permission, Bishop of Peterboro', Vicar of the Parish Church of All Saints, in the town or borough of Stamford aforesaid, and the Reverend men John Evans, Clerk, Dean of Stamford aforesaid, also Thomas Foster, Clerk, Warden or Guardian, and John Zeaman, Clerk, Confrater of the said Hospital ; and humbly petitioned, that the said Lord Bishop would decree, that the said Hospital be forthwith visited. Upon which the Lord Visitor, at their

request, took upon himself the charge of visiting the said Hospital, and at once proceeded to the visitation thereof, and all concerned therein having been duly cited, and the order of law observed in all things, he ordained and decreed severally the following Statutes :—

1. “That to the form which is at present used in the admission of any poor person a member of the said Hospital, there shall for the future be added this proviso, viz. : PROVIDED always, that such poor person do and shall, in all respects and at all times hereafter, live and behave himself orderly and regularly, according to the ordinances and Statutes of the said Hospital and his oath taken on that behalf.

2. “That if it shall hereafter happen, that any of the twelve poor persons of the foundation of the said Hospital shall in any manner offend against, or behave themselves contrary to, the Ordinances and Statutes of the said House, and complaint thereof be made against them to the Governors of the said Hospital, either by the Warden or Confrater for the time being, that, then and in such case, the said Governors may and shall call before them the person so complained of, and by all lawful ways and means inquire and fully examine into the matter of the said complaint, and having so done, shall from time to time transmit the proceedings had and made before them, or a full and faithful account thereof, to the Right Rev. the Father-in-God the Bishop of Lincoln for the time being. And his orders and directions, given or sent to the said Governors tending the matter of such complaint, shall by them be strictly obeyed and forthwith put in execution, although they extend to the amotion, expulsion, or wholly putting the offending person out of the said Hospital, and depriving him of all benefits therefrom. Item, That for

the more decent and more regular performing Divine Worship within the said Chapel, and better hearing thereof by the poor persons of the said Hospital, a Carpet for the Communion Table, a Surplice, and new Common Prayer Books for the use of the said Chapel, together with convenient forms for the said poor persons to sit on, be forthwith provided and placed therein.

“Also, that the house belonging to the said Warden be forthwith viewed by the Governors of the said Hospital, and what shall be found wanting to make it convenient and fit to dwell in, they to see done, as soon as may be, out of the public stock belonging to the said Hospital; to the end that the present Warden may, according to the Statutes of the said House, reside and dwell therein.

“Also, whereas by the 33rd Statute of the said House, four days in the year are appointed for the public reading of the said Statutes in the Chapel: The Holy Sacrament, appointed by the 15th Statute of the same, shall on three of the said days be therein administered, and the Commemoration Sermon be then also preached.

“Also, whereas diverse pecuniary mulcts are, by the 31st Statute of the said House, imposed on the Members of it, and application or disposal of them is thereby appointed, It is ordered, that the said mulcts shall, from henceforward, be received and kept by themselves in the public chest of the said House, and, as there is occasion from time to time, be laid out and disposed of in relief and assistance of the 12 poor persons of the said Hospital, according to the discretion of the Warden and Confrater for the time being.

“AND WE, Thomas, by Divine Providence Archbishop of Canterbury, Primate and Metropolitan of all England, by the power of certain Letters Patent granted by James 1st of England and lately King, bearing date the 4th day of

May in the 8th year of his reign, duly authorized, to the decrees and ordinances above written by the Reverend Father in Christ, and our Confrater, by Divine permission Bishop of Lincoln, Visitor of the said Hospital, called Browne's Hospital, in Stamford, in his visitation lately made and provided, give our assent and consent; and the said decrees (as far as in us lies) we approve, and ratify, and confirm, by these Presents. In testimony of which thing we have caused to be applied our Archiepiscopal seal to these presents:—Given from our Palace of Lambeth, on the 6th day of the month of September, in the year of our Lord one thousand seven hundred and eleven, and of our translation the 17th.—W. LINCOLN., THOMAS CANTUAR., Sept. 6, 1711."

The new Statutes were forwarded to the Dean of Stamford, accompanied by the following letter:—

"Rev^d. Sir,—I now return you the orders made at my visitation of Browne's Hospital, confirmed by the Archbishop, as the King's Letters Patent require, and thenceforth to be looked upon as additional Statutes of the said House. I desire your favour to see that they be added to the book of Statutes, and duly observed and executed by those who are exercised in them.

"Upon this occasion, looking over Bishop Fuller's Statutes and considering the present debt owing to the House from Mr. Foster, and fearing lest anything more should hereafter be done to the prejudice of it, I do earnestly beg you to request my Lord of Peterboro' to see the Audits duly made according to the 19th Statute, and, upon all leases to be renewed, to take such a survey of the estate as the 26th Statute directs; and do further request you, both to admonish those who are concerned in making such

leases strictly to observe all and every circumstance of that Statute, which, if ever I live to visit that Hospital again, I purpose (God willing) strictly to enquire into ; and will not excuse any neglect in the two Statutes before mentioned ; for, indeed, it is an utter discouragement to charity to see what little care is taken by the members of such foundation, or those who should overlook them, to employ what is given fairly and openly to the uses for which it was designed.

“I am sure you will excuse this plain dealing in a matter of such moment, and believe that I am, with very sincere respect, Rev^d. Sir,

“Y^r. mo. affect^e. Brother, W. LINCOLN.”

The proceedings of the Visitor tell plainly, that, while there was much truth in the complaints of the poor, their conduct in many respects required careful watching, and at times fitting punishment. The Bishop's object was evidently to administer a lesson of duty to all the inmates of the Hospital. Unhappily he also weakened the influence of his Visitation by exceeding the powers entrusted to him. No long time elapsed before it was deemed necessary for the highest legal authority to define clearly how far those powers extended.

On the 24th December, 1719, Peter Neale, Rector of Carlby and Dean of Stamford, and Samuel Rogers, Vicar of All Hallows', nominated and appointed the Confrater, John Zeaman, to the Wardenship of the Hospital. He was duly admitted on the 29th, and Robert Tipping was appointed to the vacant Confratership. The following memorandum, still preserved, speaks well for Zeaman's just and kindly feeling towards those who had been connected with the property of the Hospital.

“John Newman died on the 2nd of December, 1725, and

was succeeded on the 13th by John North. This is the first man that I find was ever presented to this Bedehouse from any part of our estate. He came from Swayfield, and was jointly admitted by the Dean and Vicar at my request ; and it seems very reasonable, that our tennants, when they fail in the world by misfortune or old age, should have place in this House, which I hope my successor will take care of, for whom I write this memorandum. (Signed) J. ZEAMAN, Warden.”

The origin of a custom, observed at the Hospital until the scheme of 1854 was obtained, is now recorded :—

“Memorandum, November 7, 1731.—It is agreed to be the custom of this Almshouse, that, if either the Warden thereof or the Confrater happen to die or to be removed, the salary of the current quarter of the year shall be paid to the executors of the person dying, or to the benefit of the person removed, and not to the successor. (Signed) PETER NEALE, Dean of Stamford. SAML. ROGERS, Vicar of All Saints’.”

On the 19th March 1719–20 Robert Tipping, the Confrater, wrote to the Bishop of Lincoln privately, to inform him that the Almshouse had suffered much from continued abuse and the management of preceding Wardens, who had applied the revenues to their own use, and neglected the annual audit ; and that the late Warden, Mr. Thomas Foster, at his decease, owed between 200*l.* and 300*l.*, none of which was likely to be recovered, and that the same abuses continued. In a postscript this busy Confrater shows himself to be an underhand, cowardly fellow :—

“I humbly desire your Lordship will be pleased (if your Lordship thinks convenient) not to discover who gave your Lordship this intimation, because that some persons may bear me ill-will for it, although I am sworn to procure the

utility and profit of the Hospital to the uttermost of my power in all things."

Marvellous zeal for a novice! This said Robert Tipping had only been appointed Confrater in 1719. On the 1st of June he wrote again to the Bishop, stating that "the habitual violation of the Statutes, and the enormous abuses of the House, made him feel that both he and the Warden were daily guilty of a breach of trust towards the Charity, and were wilfully and notoriously perjured in not keeping the Statutes which they had sworn to observe;" and requesting his Lordship to require the Warden to join with him (Mr. Tipping) in reforming abuses, and faithfully performing the duties enjoined by the Statutes of the Founder. He states that though the Statutes enjoin daily prayer, the Warden, when Confrater, wilfully avoided reading them on Wednesdays, Thursdays, and Fridays, in the morning; and now, as Warden, when he (the Confrater) gave notice that there would be prayers twice a-day in the Chapel, he, Mr. Zeaman, had the next day forbidden the poor from going to the Chapel, and prevented the ringing of the Chapel bell; that the Sacrament had not been administered nor the annual sermon preached as directed; that the Warden, when Confrater, did not live in the House, and then, as Warden, tried to thrust out the Confrater, or to render his being there impracticable; that the Warden had assumed the absolute control of the Hospital; that the Statutes are never read over to the poor, and that it was a scandalous offence, both to clergy and laity, that persons in holy orders should be so untrue to their trust and perfidiously perjured.

On the 12th of July, 1720, the Vicar of All Saints', Samuel Rogers, reported to the Bishop, in answer to a communication from his Lordship, that the Hospital was in

a better condition than it had been for many years past, and did not stand in need of a formal visitation, there being nothing to amend therein, except the residence of the Confrater and the statutable times of prayer in the Chapel. That the residence of the Confrater was dispensed with, in accordance with a power lodged in the Vicar of All Saints' by the Statutes, till such time as apartments in the west side of the House could be fitted up, as had been directed by his Lordship's predecessor, upon the same complaint being made by Mr. Zeaman, when Confrater, and with such arrangement the Confrater is content. He declares that it had been customary to omit the Chapel prayers on those days the poor are obliged to attend All Saints', but they may attend both services, as well in Church as Chapel, if his Lordship thinks fit, and for that he will expect his Lordship's order. He regrets that the House had been much abused by preceding Wardens, who, after the pensions were paid and the House scarcely repaired, had converted the remainder to their own uses; owing greatly to the negligence of the Vicar of All Saints' in not keeping the public chest in order, and enforcing a due account of the fines. He promises to be diligent in auditing the accounts, and looking to the leases, fines, &c., and hopes soon to be able to report the Charity in a flourishing condition, notwithstanding the losses it has sustained. He alludes to "the omission by Bishop Fuller of the 22nd of the old Statutes, which is the Statute of Correction by the Dean and Vicar," to which omission he imputes the assumption of authority by the Warden; "which Statute, as it is not any ways contrary to the laws of the realm, but consonant to the will of the Founder, I presume ought not to have been omitted; but this, as well as all other matters in the case, are referred to your Lordship's judgment and

determinacon ; which, when they are received, shall be punctually put in execucon by your Lordship's most obedient humble servant."

About this time the Warden, John Zeaman, represented to Edmund, Bishop of Lincoln, that the Warden of the Almshouse, from the foundation thereof, had full possession of a certain apartment, then called the Warden's house ; that he rightfully took possession thereof, but that, contrary to all expectation and all ancient usage and custom, the Confrater had set up a claim to half the house for his use, urging, as his plea, necessity of residence ; that there were several empty rooms on the other side of the House capable of being fitted up for the Confrater ; that at the last visitation by the Archbishop of Canterbury (then Bishop of Lincoln) the then Confrater demanded a residence in the said Hospital, and a part of the Warden's house to live in, when his Grace (then Bishop of Lincoln) answered that he could not dispose of any part of the Warden's house, but that an allowance should be made for the Confrater's lodgings in the town, till an apartment could be prepared for him ; that this had never been done, in consequence of the difficulties and wants of the House ; that the Confrater (Mr. Tipping) had a wife and family, and was residing on his living in the country, and that the Warden's house was not large enough for two families. He prays that he may not be put into a worse condition than his predecessors, nor be obliged to receive another man's family into his dwelling.

This worrying difficulty was soon removed, for, on Thursday, May 4, 1727, Robert Tipping died, and no more is heard of a trouble which had evidently been kept up by the Confrater simply to annoy his superior.

If the death of Tipping brought peace in one direction,

it led to a most extraordinary irregularity in another—the appointment of the Dean of Stamford, Gregory Henson, M.A., as his successor. On 13th of May he was nominated to the Confraternity, and on the following day admitted thereto by Samuel Rogers, M.A., Vicar of All Hallows. “On the 1st of June he made a public declaration of conformity to the Articles of the Established Church, in the Chapel of the Hospital, during divine service in the afternoon, in the presence of John Zeaman, Warden, Robert Henson and Henry Reddish, as witnesses, and of other members of the Almshouse.”

This appointment was objected to; and on the 7th of June the Mayor of Stamford,* the Honourable William Cecil (third son of the sixth Earl of Exeter), nominated and appointed Jacob Dod to the Confraternity.

Several legal opinions were taken upon the question thus raised. Thomas Reeve, on the 26th of June, says:—“I conceive that the offices of Dean and Confrater are incompatible, the Dean having by the Statutes a power, with the Vicar of All Saints’, to correct and even to remove the Confrater for his defaults.” “And if the nomination of the Dean to be Confrater be void, as I conceive it is, I think the Mayor might well nominate within fourteen days, without staying till it is determined whether the nomination of the Dean to be Confrater be good.”

C. Talbot, on the 1st of July, says:—“I am of opinion that the Dean’s nomination of himself was a nullity, and that his subsequent resignation of his Deanship cannot make it good.” “One reason for a living’s becoming void, of common right, upon the Incumbent’s being promoted to the Bishopric of the same Diocese, arises from the impropriety of the same person being visitor and visited.

* Mr. Cecil died during the year of his mayoralty, July 19, 1727, æt 25.

Commendams, subject by force of dispensation, in opposition to the general provision of the law, and in cases of Bishops holding Commendams in their own Diocese, are liable to the correction of their Metropolitan, but, in the present case, there is no dispensation nor any superior Visitor." And further, "The Dean can no more admit than he can appoint himself; both one and the other are void acts, and will not therefore make a plenarty."

It must have been a lax age indeed which permitted an attempt so flagrantly selfish and illegal. It was, however, soon evident that the impropriety, to give it the mildest term, would not be tolerated, and so Jacob Dod's appointment was accepted, and quiet restored.

The facts are not generally known, but they are well worthy of notice, that George Newton, uncle of Sir Isaac Newton, was born in the parish of Woolsthorpe, and became about this time a tenant of the Hospital property at Swayfield. He took charge of his nephew when he was a boy, and is said to have supported him when at Cambridge. It is mentioned in the correspondence of Voltaire that on a certain occasion Sir Isaac said that the Apocalypse would be fulfilled when men could travel a mile a minute. The infidel philosopher sarcastically remarked, "Then men must become swallows." Strange to say, the very fields, over which Sir Isaac was wont to wander in his early days, are now traversed by the Great Northern Railway, whose carriages run—the express "Flying Scotchman"—at the rate of one mile a minute.

Under the Wardenship of John Zeaman, 1719–1731, a great improvement must have taken place in every way. It is quite refreshing to read the testimony to that effect of Howgrave,* whose *Essay* was published in 1726:—

"This Hospital hath a noble foundation, and greatly

* Page 99.

excels all those which are now settled at Stamford. But it hath shared in the misfortunes of other religious Houses of this place. The knavery of some of the Wardens to advance their own interests, hath robbed the Poor of their pay, *destroyed the records*, and stript the House of its ornaments and jewels. But it must be mentioned, for the honour and credit of the present gentleman concerned, it is now once more brought into a flourishing state. The Statutes are regularly observed, and the pay to each of the Poor is 2s. 6d. per week, which is 2d. more than it was some time since. The Warden has a neat convenient house for his own use, the Confrater has an apartment to himself, and the twelve Poor have each a distinct room, and a large kitchen in common. At the end of the Poors' rooms is a neat Chapel, where Prayers are read twice a-day, except those days when they are at the Church of Allhallowses. Over the Poors' rooms is a large Audit Room. The paintings in glass are here, as well as in the Chapel, very fine and curious. The Warden hath a salary of 26*l.* yearly, and the Confrater 20*l.*"

The destruction of the records complained of by Howgrave is evidently an allusion to the papers and parchments which had been taken from the Muniment Room of the Hospital by Mr. Foster, the late Warden, and made over by his son to Mr. Francis Peck, the antiquarian, who was then closely engaged getting together information for his story of Stamford and its neighbourhood. The following letters will make manifest the reckless doings of those days :—

" Francis Peck to John Foster.

"MR. FOSTER,

CLIFFE, Feb. 13, 1721.

"I received yours of the 4th Instant by the Post, and, as you therein promise so very faithfully to deliver all Mr. Foster's Papers to me or my Order upon

payment of 5 Guineas, have sent you that sum by the Clerk of this Parish, being unwilling to trust it by the Newsman, whom I know nothing of. But since I am so generous as to part with my money without yet seeing what I am to have for it, hope you will give the bearer half-a-crown for his trouble in coming over to bring it ; and if your Father's notes be ever so much blotted, and any manuscripts met with however so old, that you will reserve nothing from me which may in any sort relate to my Design. This I mention the more particularly, because probably there may be many little scraps which you may not think worth sending, as being in a manner trifles. But, Sir, pray let me have every bit of paper you have any ways respecting the subject. The smallest hints sometimes clear up the greatest difficulties, and the knowledge of one little incident as often brightens a whole story, &c., &c.

“ Sir, your ready Friend and Sert,

“ FR. PECK.”

We may be sure that a pressing application was made by the Warden, calling on Mr. John Foster to return to the Hospital the old documents which his father had taken from it ; and that, on finding they had been made over with other papers to Mr. F. Peck for five guineas, Mr. Zeaman demanded the money as a security, stipulating that as soon as he should recover the invaluable Hospital property the five guineas would be returned. That such was the turn matters took is implied by an explanatory letter from Mr. Foster to the Warden :—

“ *For the Rev. Mr. Zeaman, in Stamford.*

“ REV^d. SIR,

“ I am extremely oblig'd to you for your kind promise of insisting upon a delivery of the writings before

you part with y^e money. I have inclos'd Mr. Peck's last letter, that you may be fully satisfied y^t my parting with those parchments did not proceed from any intent of wronging y^e House, but from a real desire of serving Mr. Peck, since he so earnestly desired (as his letter shows) every scrap of paper relating to his design; and my ignorance, and seeing the parchments tied up wth y^e other papers, led me into y^t error. I cannot give you a particular account of y^e papers. I tied y^e parchments in one parcel, 2 or 3 old in a 2nd, and all the loose papers, which were a great many, in a 3rd, which were all. If Mr. Peck would but return you y^e papers belonging to the House he may freely keep the rest; and you were pleased to intimate that if he did you would return the 5 guineas, y^e parting with which has put us to the utmost streights, as you, who know our circumstances, will very well imagine. If you c^d get Mr. Peck to do this you w^d do a very charitable act, and lay a very great obligation upon, Sir, y^r. most humble Ser^t,

"JOHN FOSTER.

"ST. NEOTS, *June 27, 1722.*"

That Mr. Zeaman did all in his power to protect the interests of the Hospital we may be certain; equally certain is it that about this time the Charity lost some of its most valuable records.

In November 1729 Dr. Stukeley succeeded Mr. Rogers in the Vicarage of All Saints', and with him came stirring times and warrings not a few. He interpreted somewhat selfishly the truth that "the labourer is worthy of his hire," and made his claims accordingly. His will was a strong one, and he who opposed it was certain of a struggle. Hence we read that, "he had many opponents on divers topics during his lifetime, and some of them gave vent to

their feelings in unmeasured language." We readily admit that "his strong intellect, his enterprising spirit, and his extensive learning will ever be remembered with respect and reverence ;" equally true is it that he will never be told of as an *amiable* man. Could he speak from the grave, he would certainly say—"That is indeed so, and I rejoice greatly thereat, for of all the useless and contemptible of men the most so is the mere amiable man." Much of Dr. Stukeley's character will be seen as we proceed with our story.

As Vicar of All Saints', Stukeley was not only a Governor of Browne's Hospital, but specially appointed by its Charters to audit its accounts. It is hardly satisfactory to find that the first known act of the new Vicar was to set forth a breach of the Statutes, by which the Auditor's income was increased from 3*l.* 6*s.* 8*d.* to 25*l.* a year. Stukeley was instituted in November 1729, and on the 29th of December writes thus to Sir Hans Sloane, through whom he is said to have secured the preferment :—

"My Living here is worth 200*l.* a-year, and I have lately had a salary of 25*l.* per ann. settled upon me by the Bishop of Lincoln, as I am Governor of a Hospital at Stamford by virtue of my Living."

Fortunately for the Hospital, it had at this time, in John Zeaman, an able, high-principled Warden, well fitted to protect the charity against any intrusion upon its rights. The majority of the Wardens and Confraters had, we may believe, lived peaceable, honest, and useful lives. We know nothing whatever of their doings, while the evil practices of the unscrupulous and negligent are recorded with a delicate nicety, and not seldom, we may be sure, with a bitter exaggeration.

"The evil that men do lives after them ;
The good is oft interred with their bones."

The seventeenth and eighteenth centuries seem to have been remarkable for jobbing and robbing public offices and old endowments. It is therefore only the more gratifying to find now at the head of the Hospital an officer so able to resist the strong wills of William Stukeley, and his patron the Bishop of Lincoln ; who, with a less qualified opponent, would have seriously intruded upon the interests of the charity.

Stukeley, with his wonted impetuosity, stayed not to carefully examine and inquire, but at once assumed an authority to which he was in no way entitled ; and not finding the Warden so pliable as he expected, he forthwith reported his conduct to the Visitor and formally complained :—

"That, after having represented the several powers and trusts committed to the Vicar of All Saints', in the following original Statutes, viz.: 3, 4, 5, 10, 11, 17, 18, 19, 23, 30, 31, and in Bishop Fuller's Statutes by Statutes the 17, 19, 24, 25, 28, the Warden hath industriously opposed him in the exercise of them ; and hath refused to pay the Surveyor ; which the Vicar is directed and impowered to employ, in order to be informed of the true value of the estates of the Hospital."

"That, the value of the estates being concealed, no improvement hath been made of their income, either by enlarging the fines or the reserved rents, since 1662 ; though lands at present are of the double value they were at that time ; and that the Warden, Confrater, Steward, and his Clerk take, upon the renewal of leases, considerable sums of money, as fees for the seal, which are not brought to the common interest or use of the House.

"That Mr. Noah Curtis, son of the Steward, receives eight pounds per annum, by order of the Warden only, as Wood-

ward ; so that there is nothing coming to the House out of the sale of wood.

“That the leases of the Hospital are let for illegal terms, that a proportionate fine is not taken, and sometimes no fine at all, though a fourth part of the true rent is not reserved, and that very many of these leases are in possession of the Steward or of his relations.

“That the Warden refuses to put the fines into the common chest, so that there is no money in hand to provide for extraordinary exigencies, according to the intent of the Founder.”

This abstract of Dr. Stukeley's complaint was forwarded by the Chancellor of the Diocese, with the following letter :—

*“To the Reverend Mr. Zeaman, Warden of Browne's
Hospital, at Stamford.*

“MR. WARDEN,

“The matter complained of is the ill husbanding your estates, whereby the present revenue of the Hospital falls much short of what it ought to be.

“Your proper vindication, if you are able to make it, will be, that the revenue of your Hospital is increased, in proportion to the advanced value of your estates. But if it shall come out that your revenue is not increased in this proportion, it will then be the concern of your Visitor to provide regulations for the better management of the Estates of your House. In order to ascertain the fact, whether your Estates are managed to the best advantage, enquiry will be made, whether you have acted in conformity to the laws of the land and your own local Statutes, provided in this behalf. And you are to consider well, how far the Warden and Confrater become ‘Scatterers’ in the sense of the 8th of Bishop Fuller's Statutes ; if neither

competent fines are received, nor the fourth part of the extended rent is reserved, or if your leases, are let for excessive or illegal terms.

“To the Article relating to the extended value of your estates, without which it cannot appear whether your fines or reserved rents are competent, you had prepared no answer when I was with you ; but your Visitor expects a clear and full explanation on this head.

“The point which will come next under consideration will be, whether the terms for which the leases are let are legal, and your Council are to advise whether any Hospital, founded since the 39th of Elizabeth, can let leases for other terms than 21 years ; 2nd, whether more land than ten acres will go with any house in a lease for 40 years ; 3rd, Whether leases for 99 years, terminable upon three lives, are statutable.

“And upon the whole, if competent fines and rent are not taken, or leases for illegal terms are let, proper remedies must be provided for these disorders.

“The regulations intended were conformable to the original Statutes, and nothing more than explications of the 18th of Stokes’s, and the 17, 24, and 25 of Fuller’s Statutes ; which, taken together, commit in part to the Vicar the care of the Common Seal, and, in consequence of that trust, a right to be informed whether all statutable directions concerning fines and reserved rents are observed in such instruments as are handed to the Seal.

“And, for the encouragement of the Vicar to be diligent herein, an augmentation was designed of his original salary if the revenue of the House would bear it ; and the Warden and Confrater were required to be assistant to him in the duties of his parish, pursuant to the 13th of Stoke’s.

“Further, the Vicar was intended to be empowered, upon

the plan of the 6th and 22nd of Stokes's Statutes, to appoint and remove all under-officers of the House, such as Stewards, Woodward, &c., to give directions about the repairs of the House, and to ascertain the quantity of timber and underwood to be cut for the use of the House and for sale.

"Concerning the expediency, as well as the validity of these intended regulations, you may be heard before they be carried into execution; but the first thing to be done is, to give in a full and true particular of the extended value of your estate.

"I am, Mr. Warden,

"Your very humble Servant,

"G. REYNOLDS

(*for his Father*).

"BUCKDEN, *Jan. 7, 1730.*"

The Warden's answer to the Chancellor's letter shows Mr. Zeaman to have been quite equal to the occasion. There is in his reasoning a bold, honest dealing, which makes it doubly telling:—

"MR. CHANCELLOR,

"I return you my humble thanks for your letter, which I received by Dr. Stukeley, with an abstract of his complaints, and doubt not but to show you that his suggestions are false and groundless, and proceed more from self-interest than any good intended the Hospital.

"And as he has strangely misrepresented facts to his Lordship, both with regard to myself and the other members of the House, I beg leave to answer the particulars of your letter in the following manner:—

"And 1st, I beg leave to observe that, our Hospital being

founded before the 39th Elizabeth, we apprehend and are advised our leases are legal and according to the Statute.

"But, if it is thought more for the good of the House, we are very willing that for the future no leases shall be renewed for any longer term than 21 years.

"And as to the improving the Hospital estate, I think I may affirm that it is considerably better than it was when I first came to be Warden, for the Dean and Vicar, with my concurrence, have raised the annual revenue seventeen pounds per annum, without appropriating one farthing to ourselves, as the accounts, audited by the Vicar for the time being, clearly show ; but have added twopence a-week to the pay of every poor, and as we foresaw greater improvements might be made in the Hospital estates, we informed the Vicar of it, and were resolved to act up to the Statutes ; as may appear by an agreement made between the Dean and Vicar as the leases should fall in, and therefore a full explanation of the Statutes is all that we apprehend to be necessary for the better regulation of the Hospitall.

"The fines that have been taken since I have been Warden appear in an abstract of the leases delivered unto the Bishop, and I have alwaies faithfully and duly accounted for the same, and am ready to make oath, that I never did receive one shilling premium for my own use more than I have accounted for, other than the usual and accustomed sealing tax, which has alwaies been taken by my predecessors, and which is one pound one shilling to the Warden, and ten shillings to the Confrater, upon the renewal of every lease.

"As to my opposing the Vicar in the execution of his trust, I never did so long as I apprehended he kept within his bounds ; but as he has often sayd that he would have a guinea for every time he came down to the Hospitall, and

a guinea a-day for every lease he surveyed; and as the surveys were purely voluntary, without any prospect of renewal, nor so much as requested by either the Warden, Confrater, or Tenant, and frequently made without the knowledge or concurrence of the Dean, expressly contrary to the 24th of Bishop Fuller's Statutes, though the Dean was always ready to attend upon such occasions; I apprehend that surveys were made more for the sake of being paid, or to set up a pretence for being so, than any real good intended to the Hospitall; and therefore I did tell him that the House could not afford to be at so great a charge, and that I should not pay it without direction from my superiors, though I did, at his request, once pay Tycho Wyng two guineas for surveying the woods.

"As to the rest of the facts relating to the Warden and Confrater, we refer to our answer given in to the Articles exhibited; and what relates to the Steward and Woodward we leave them to answer for themselves, and humbly beg that his Lordship will permitt us to be heard by our Council before any new Statutes were enacted.

"Further, that it neither appears by the 5th or 23rd Statute of Stoke's that the Founder intended that the Vicar should have power to appoint or remove under-officers of the House, as Steward, Woodward, &c.; for whatever power the Vicar has by the aforesaid Statutes relates only to the Warden, Confrater, and Poor, and the Dean has in all respects an equal and joint power with him; but, on the contrary, by the 18th Statute both of Stoke and Fuller, the Warden is for evermore to have the rule and government of the House, and of the Confrater and Poor, and also the administration of all rents, &c.; and he alone is answerable for them in case of any miscarriage, and therefore ought to appoint his own officers, as well as to ascertain the quantity

of timber and wood to be cutt for the use of the House, &c.

“As to the extended value of the estates, I verily believe the present Dean and late Vicar have alwaies endeavoured to have a fourth-part of the improved rent to be reserved to the Hospital, and have fixed the fines and rents with due regard to Bishop Fuller’s Statute, according to the best information they could get; which rents and fines, when once settled, were never afterwards altered in the late Vicar’s time; but I cannot say it has been observed by the present Vicar, for, notwithstanding his complaints, after personall surveys have been made by him and the Dean of Stamford, and the fines and rents settled, he has taken upon himself to lower the rent, without the privity or consent of the Dean or myself.”

“Though I am very unwilling to retort any of those injurious reflections, which the Dr. casts upon myself and the other members of our House in his complaints to the Bishop, yet I hold myself in duty bound to acquaint his Lordship, that the Vicar had declared, that the Bishop intends by the new Statutes to give him greater powers than what he desires or expects, and such powers as, if put into execution, will not be for the good of the Hospitall.”

A short but valuable memorandum, by whom drawn up I know not (probably by Zeaman), is equally clear and firm against the pretensions of Stukeley:—

“N.B.—All the old Statutes of Stokes are confirmed by the Charter (*vide* Fo. 10), and by the last Statute of Stokes they are made immutable, and not to be altered by any but himself.

“The power of the Charter given to the Bishop of Lincoln, with the assistance and consent of the Archbishop,

to make new Statutes, is only concerning Divine Service and the government and direction of the Warden, Confrater, and Poor, and such new Statutes are not to be repugnant to the old Statutes.

“The lands by the Founder were given to the Warden, Confrater, and Poor, and so confirmed by the Charter to their sole and proper use. The Vicar’s salary was appointed by Stoke for a particular purpose, viz. : for auditing the accounts, and was only a contingent one in case of a surplus, and therefore could never be supposed that the Founder intended him a greater benefit than the Warden.

“The encrease of the Sallaries of the Warden, Confrater, and Poor, by Fuller’s Statutes are intirely agreeable to the intent of the Founder, and of the Charter ; and no doubt Bishop Fuller, when he enlarged the Sallarys of the Warden, Confrater, and Poor, would have enlarged the Vicar’s also, if he had apprehended him part of the body, or that he had a power so to do.

“The Vicar has represented to the Bishop, that the sole care and burden of the House lyes upon him, for which reason his sallary ought to be enlarged. But this is false in fact, for the sole administration of the revenue is in the Warden, and he both receives and pays the Poor and all sallarys. The Vicar has nothing to do but survey and view the leases before they be renewed, and in this the Dean is equally concerned with him, and is as much entitled to a sallary as he. But for this they are sufficiently recompensed, by having the sole nomination of the Warden, Confrater, and Poor when any vacancy happens, and in which neither Warden nor Confrater intermeddle or have anything to do.

“See Stoke’s Statutes 2, 3, 18, 19, 25, 31, 33.

“No. 18 confirmed by Fuller’s 18 ; so also Statute 19 of Fuller confirms No. 19.”

Certain Articles of Inquiry have been mentioned. They were “ministered to the members of Browne’s Hospital in Stamford, at a Visitation thereof by Richard, Lord Bishop of Lincoln, on the 4th day of January in the year 1730.” They, with the answers to them, put this controversy still more clearly before us. They were as follows :—

1. “Do the Dean of Stamford, Vicar of All Saints, the Warden, Confrater, and Poor men of this Hospital severally perform the trusts and dutys required of them by the rules and orders of this House? Or is any, or which of them, guilty of any crime or irregularity contrary to the same?”

Ans. “They say, that the several members of this House have severally performed the trusts and duties required of them by the rules and orders of this House, and they do not know that any of the said members are guilty of any crime or irregularity contrary to the same orders.”

2. “Hath any member, offending against any rule or order of this House, been monished thereof by his superior, and hath he, or hath he not, amended upon such admonition?”

Ans. “The Warden saith, that during such time as he has been Warden of the said House, severall of the poor people, having been guilty of offences contrary to the Statutes, have been monished by their superiors, and, not mending upon such admonition, have been always punished as the Statutes do direct.”

3. “What is the annual revenue arising from the afore-said reserved rents and quitt rents now payable to the House? What is the present real (computed) or extended value of the said Estates?”

Ans. "They say, that the whole annual revenue of the said House, arising from the reserved and quit rents now payable, amount to no more than one hundred forty-six pounds, nineteen shillings, and four pence, which are paid half-yearly, viz. : at Michaelmas and Lady Day; the Michaelmas half-year amounting to seventy-four pounds eleven shillings, and the Lady Day half-year to seventy-two pounds eight shillings and four pence. But the extended value of the said estates these respondents cannot set forth."

4. "Is the fourth part of the present real value of every estate duly reserved in the grant of every lease, according to the 25th Statute made by Bishop Fuller? Or what other proportion is or hath been preserved? And for what term or number of years are your leases made?"

Ans. "They say, that during the time they have been Warden and Confrater, the Dean and the late Vicar have constantly set the fines themselves before the renewal of any lease, and have, as they believe, acted with a due regard to Bishop Fuller's Statutes, according to the best information they can get. That some few leases have been formerly granted for 40 years, but, if the same could be prevented, they believe that it might be for the advantage of the House."

5. "Have the proper officers, in order to the ascertaining the true extended value of every estate coming in course of renewall, and the due fourth part to be reserved in every grant, made careful surveys and terrars thereof; and is the quantity and quality of the estate demised particularly set out on the lease, according to the 24th of the said Bishop's Statutes?"

Ans. "They say and believe, that the present Dean of

Stamford, and the late Vicar, Mr. Rogers, have, upon every application made for the renewall of any lease, made diligent enquiry into the nature, quantity, and quality of such estate ; and that in all leases renewed in their time, a Terrar of the land has been constantly annexed to the lease, or a Covenant therein inserted to bring in a Terrar, and, in pursuance of such Covenants, Terrars have been taken and brought in, as appears by the Hospital Register of Leases."

6. "What proportion do the fines by you taken for the renewals beare to the extended value of the estates demised? What profit is or may be made yearly of your woods, over and above what is expended for firewood, and necessary repairs of the House?"

Ans. "They say, that on renewall of leases, in the late Vicar and present Dean's time, the method of settling fines has been for seven years dropped. In a lease of 21 years, about a year's rent of the improved value. For one life lapsed in a lease for three lives, about a year and a quarter's value. For a greater number of years or more lives lapsed, they have usually acted to the best of their judgment, according to the proportions sett down in Sir Isaac Newton's Tables for renewall of leases; but sometimes have had regard for the Tennant in consideration of building or great repairs. And say, that the yearly profits of the woods, clear of the allowance to the House and for other charges, have for some years past, one year with another, amounted to 8*l.* or 9*l.*, or thereabouts."

7. "Have the fines been carefully lock't up in the common chest? What is the amount of your treasure of your House arising from such fines, and now remaining in your common chest? Or have any monies been taken out of the common chest for any use whatever, without

the consent of the Bishop of Lincoln, or Vicar of All Saints' parish, had in writing ; and where are the warrants or vouchers for such consent ? ”

Ans. “ They say, that of late years the fines, which were paid upon renewall of leases, have not been lock't up in the chest ; that the late Warden left the House very much in debt, by reason of great repairs that, before his death, had been done at the House to make it habitable, and, upon application being made to the late Vicar, he ordered that the accruing fines should be applied for discharging these debts. But the fines taken on the renewall of leases have been constantly inserted in words at length in such leases, and have been duly and faithfully sett down and accounted for in the yearly accounts of the said House, audited, allowed, and assigned by the Vicar of All Saints for the time being.”

8. “ Are the Warden's accounts yearly audited, and the state of those accounts, with the balance thereupon carefully repositied in the common chest, together with the common seal ? Are the three keys of this chest kept by the statutable keepers, and is the common seal never applied otherwise than by their common consent ? ”

Ans. “ They say, that the Warden's accounts have been yearly audited to this time, and that the receipts and vouchers are carefully repositied in the Treasury, and that the common seal is constantly kept in the chest, and the three keys thereof kept by the statutable keepers ; and that the common seal has never been applied otherwise than by their common consent, to their knowledge.”

9. “ Are the houses well kept with good repairs ? Are the Poor men duly paid ? ”

Ans. “ They say, that the Hospitall House at this time is, in itself, much out of repair, and there is a perfect necessity of repairing the same, particularly the

leads of the House and Chappell, which they apprehend will be a very great expense. And say that the poor men are weekly and duly paid."

10. "What are the annual disbursements of your House, exclusive of discretionary repairs?"

Ans. "They say, the ordinary annual payments to the Warden, Confrater, and twelve Poor amount to 129*l.* 17*s.*, and that other occasionall payments generally amount to 20*l.* per annum or more, besides the repairs of the Hospitall House, which are more or less as the case requires."

Further answer of the Warden of Browne's Hospitall to the 3rd and 7th Article exhibited:—

Art. 3. "For further answer to the 3rd Art. the Warden saith, that, at the time when leases were offered to be renewed, both himself, and the Dean, and late Vicar, gott the best information they could of the estate to be renewed, and sometimes they made personall surveys when necessary, and always acted according to the best of their judgment. But at this distance of time cannot take upon him to sett forth the particular value of such estates at the time of the renewall, great alterations having been since made therein by the improvement of building and advance of rents."

Art. 7. "The Warden, desiring liberty to withdraw such part of his former answer as relates to the late Warden, Mr. Thomas Foster, for further answer to this Article saith, that he believes the said Mr. Foster died considerably indebted to the House. But in what summe he cannot sett forth. But it appears, by the last account stated with him, which ended Lady Day 1717, that he was then indebted to the House, 103*l.* 19*s.*, and it doth not appear by the books of the Hospitall that any account was afterwards passed with him, tho' he continued

Warden till December 1729. And saith that the fines received by him, since he was Warden, have not been lock't up in the chest, nor did the late Vicar, Mr. Rogers, ever require the same, nor was the same ever required by Bishop Cumberland, the former Vicar, as this Respondent hath heard and believed. But such fines have for many years last past been left in the Warden's hands to supply the exegency of the House, as this Respondent has heard and has good reason to believe. That, as to such fines as have been received by this Respondent since he was Warden, they were always mentioned in the body of every lease, and have been honestly and faithfully accounted for."

The following words are added to the above :—

"And that such fines were mentioned in the body of every lease, and the Vicar alwaies took an account thereof, and the Warden honestly and faithfully accounted for the same at every Audit, as may appear by the said accounts, and which fines are also sett forth in an abstract of the leases lately delivered in."

When the Articles of Inquiry were answered, an earnest Memorial was presented to the Bishop, beseeching his Lordship to put a stop to a struggle in itself highly unbecoming, and threatening a serious expenditure of money.

*" To the Right Reverend Father in God, Richard,
Bishop of Lincoln.*

"A Memorall presented by the Warden, Confrater, and Poor of Browne's Hospitall, upon his Lordship's Visitation of the said Hospitall, upon the facts in their answer to the severall Articles, by him administered at such his Visitation.

"That they are not conscious to themselves of any instance of misgovernment or unstatutable administration in the said Hospitall, and do not know that any orders or ordinances are wanting for the remedy of such misgovernment.

"That the annuall rents of the House are no more than 146*l.* 19*s.* 4*d.*, and the woods (*communibus annis*) cleare of the allowance to the House and other charges, do not provide more than 8*l.* 10*s.* Totall of the Annual Revenue, 155*l.* 9*s.* 4*d.*

"That the common ordinary disbursements of the House are annually as follows:—129*l.* 17*s.*; extraordinary expenses, exclusive of the House, 25*l.* Total, 154*l.* 17*s.*

"That the House wants great repairs, and the Chapell decent accommodation, and the Poor's lodgings are ruinous, very inconvenient, and uncomfortable; and by the mismanagement or neglect of some late Wardens leaving debts and great repairs, no money could yet be put into the Chest by the present Warden. And, therefore, they humbly submitt it to your Lordshipp, whether there is any room for any additional sallary, till the annuall revenues can be improved by leases to be renewed. In the doing of which they shall think themselves happy to be assisted by your Lordship's great wisdom.

"That ever since their foundation of Browne, and their incorporation by King James y^e 1st, the revenues of the said Hospital have been always applied to the only use of the Warden, Confrater, and 12 poor, to whom they are particularly and expressly granted by the Charter.

"That the Sallary of the Warden was by the old Statutes double in value to the appointment for the Vicar of All Saints, and that the appointment of the latter was only a

contingent one, in case of a surplus, for auditing the accounts.

“That the Poor People of the said Hospital have no more at present than 2*s.* 6*d.* a week, and a gown once in two years ; and out of that allowance find themselves with all other necessaries. That for peace sake they have offered, and are willing, that the Vicar and Dean should each have a fee upon the renewall of every lease (to be paid by the tenant), for the trouble they may have in viewing the premises to be leased.

“That therefore they humbly hope, that your Lordship will not order any part of the revenues to any other use than as aforesaid, and doubt not but, when the circumstances of this House (through your Lordship’s endeavours) will admitt of it, your Lordship will, in the first place, provide a proper fund or stock to answer the necessaries and contingencys of the House, and then augment the weekly allowance of the poor people for their better comfort and support. And, in the meantime, they humbly pray your Lordshipp will indulge them to be heard by their Council, at such time and place as your Lordship shall think most proper, before your Lordship proceeds to compleat or publish any new rules or orders ; and that your Lordshipp will, in your great goodness, put a stop to this dispute, occasioned by the groundless complaints and unreasonable demands of the Complainant ; and, for the good of the House thereby, save the great expense that must necessarily ensue thereupon.”

That there was great cause for anxiety, and also for prompt action, on the part of the inmates of the Hospital, will be seen from the new Statutes that were about to be issued by the Bishop of Lincoln. Throughout them we observe the working of William Stukeley :—

“Stat. 1. The Dean and Vicar are empowered to nominate and create a new officer, who is to be called the Surveyor ; and he is personally to survey every estate before leased, and to lay such surveys before the Dean and Vicar, who in these new Statutes are all along called Governors ; and they have power to allow whatever sallary they shall think fit to such Surveyor ; and, if the Dean will accept of this office, he is to be preferred before all other persons.”

“Stat. 2. No lease is to pass without a Terrar of the lands annexed, and an order in writing from the Governors signifying their consent.”

“Stat. 3. The Warden is restrained from laying out above 10*s.* in repairs of the House without an order in writing from the Governors signifying their consent ; and though this power has remained entirely with the Warden ever since the first foundation of the House, it is now by this Statute entirely taken out of his hands and given to the Governors.”

“Stat. 4. The Vicar is to have 25*l.* a year sallary instead of 3*l.* 6*s.* 8*d.*”

“Stat. 5. The Poor’s pay to be enlarged 6*d.* a week.”

“Stat. 6. The Warden and Confrater are obliged to assist the Vicar as Curates in performing Divine Service in his Church. Notwithstanding Prayers are read twice every day, either by the Warden or Confrater, in the Chappell belonging to the Hospitall, in case the Warden or Confrater should be refractory or obstinate, a power is given to the Governors to admonish them ; and, if they shall continue obstinate after the third admonition, power is given to the Dean to expell and put out such unruly members.”

“Stat. 7. A power is given to the Dean and Vicar solely to remove all under officers of the House, such as Stewards,

Woodwards, &c., and all such officers are for the future to be put in nomination by the Dean and Vicar, and re-elected every year ; and they are to assign and lot out how much wood shall be cut down in each year, as well for the use of the House, as for the use of the Warden and Confrater."

This presumptuous intrusion upon the rights of the Inmates of the Hospital was openly and indignantly repudiated by the Warden. He at once "appointed Noah Curtis, Solicitor or Agent on behalf of Browne's Hospital, to defend its rights."

"To all Christian people to whom these presents should come, I, John Zeaman, Clerke, Warden of the Hospital of Mr. William Browne, in Stamford, in the county of Lincoln, send greeting. Whereas some disputes and controversies have arose touching the Bishop of Lincoln's rights of Visitation of the said Hospital, and his power of making Statutes for an additional sallary to the Vicar of All Saints, and other intended Statutes, presumed to be repugnant to the Charter and the old Statutes. Now I, John Zeaman, do, on behalf of the said Hospitall, hereby authorize and appoint Noah Curtis, gentleman, to be Solicitor or Agent on behalf of the said Hospitall, to oppose the making and passing the said intended Statutes, and putting the same in execution for that purpose, to transcribe such copy of the Charter and Statutes, and to take the opinion of such Councill, learned in the Law, thereupon, as he shall think proper, and to do whatever else is needful to be done in the premises, and for his so doing this shall be his Warrant. And I, the said John Zeaman, on behalf the said Hospitall, do hereby promise to pay to the said Noah Curtis, his executors, administrators, and assigns, all such fees, expenses, and disbursements, as shall be just and reasonable. In witness whereof, the said John Zeaman hath hereto sett

his hand and seal, the first day of September, Anno Domini, one thousand seven hundred and thirty (*sic*).

"Sealed and delivered (having been first duly stampt) in the presence of Thomas Wallis, William Harding,

"J. ZEAMAN."

Mr. Curtis lost not a moment, but laid the case at once before able advisers. The first opinion, that of William Strahan, was as follows :—

"All the lands and houses belonging to the said Hospitall, together with the revenues and profits arising therefrom, were given by the Founder to the Warden, Confrater, and Poor of the said Hospitall; and by the Charter of King James, all the Manors, lands, tenements, hereditaments, &c., belonging to the said Hospital, are granted to the Warden, Confrater, and Poor of the said Hospital, to hold to them and their successors for ever, to the sole and proper use and behoofe of the said Warden, Confrater, and Poor, and their successors for ever. So that, if any part of the revenue should be applied to other persons, or diverted to other purposes than for the maintenance and relief of the said members of the said Hospitall, I apprehend that it would be contrary to the intention of the Founder, and the express words of the Royal Charter.

"I am therefore humbly of opinion, that the Bishope of Lincoln, with the consent of the Archbishop of Canterbury, is not warranted by the Charter to encrease the Sallary of the Vicar of All Saints on any pretence whatsoever, the said Vicar not being a member of the body corporate, to whose sole use and benefitt the revenues of the said Hospital are appropriated.

"The Charter expressly restrains the Bishop of Lincoln, with the consent of the Archbishop of Canterbury, from

making any Statutes contrary to Stokes's Statutes, except in so far as the said ancient Statutes are repugnant to the laws of the land. So that, whatever Statutes are made ought to be conformable to the Charter and to the ancient Statutes, as far as they are consistent with the laws of the land.

"I do not find that the Bishop of Lincoln or the Archbishop of Canterbury are, by the Charter, appointed Visitors of the said Hospitall. The power thereby given them is only to a particular purpose—to revise the ancient Statutes, and to make new ones for the more regular celebration of Divine Service in the Hospital, and the government, and the direction of the Warden, Confrater, and Poor.

"As for the new Statutes intended to be made, I take them to be in a great manner repugnant to the ancient Statutes and the Royal Charter, in so far as they appropriate the revenues of the Hospitall to other purposes and uses than was at first intended ; and as they make new alterations in the government of the Hospitall contrary to former usage. The enlarging of the Warden's and Confrater's stipend and Poor-pay by the intended Statute I think cannot be well objected to, because it is no misapplication of the revenue ; and as to the intended Statute which directs a Terrar of the lands to be annexed to every lease, it is in effect the same as the 24th Statute of Bishop Fuller's Statutes, which directs mention to be made in the lease of the particulars of the thing demised. But I think this intended new Statute vests a greater power in the Dean of Stamford and Vicar of All Saints than is warranted by the ancient Statutes, or by the Royal Charter.

"WILLIAM STRAHAN.

"Doctors' Commons, February 27, 1730."

Knightly D’Anvers, besides confirming the opinion of Mr. Strahan, also answered a third query, viz. :—

“Whether the Bishop of Lincoln and Archbishop of Canterbury have power to make any Statutes to oblige the Warden or Confrater to be assistants to the Vicar of All Saints in the duties of his parish; or if they can empower the Vicar of All Saints to appoint all under officers of the House, such as Stewards, Woodward, &c., and to give directions about the repairs of the House, and to ascertain the quantity of timber and underwood to be cutt for the use of the House, or for sale, it being directly appointed by the 18th of Stokke’s Statutes, and confirmed by King James’s Charter, and Bishop Fuller’s Statutes, that the Warden shall evermore have gubernacion and rule of the House, and the Confrater, and Poor, and the administration of the rents and revenues and goods of the House?”

Ans. “The only colour for obliging the Warden or Confrater to be assistant to the Vicar of All Saints in the duty of his parish seems to me to be from Stokke’s Statutes, viz. :—Statute xiii., by which one of them is to celebrate Divine Service every ferial day in the Parish Church of All Hallows, in the Chapell of the Blessed Virgin; and both of them every Sunday, where they are to be attendant and helping in the Mattins and both evenings. But through being a particular service, and special then in use, and not now practised, and there being, as I am informed, no such place there known as the Chappell of the Blessed Lady, I think they cannot be obliged to perform any Service for, or as assistant to, the Vicar of All Saints. And that they cannot empower the Vicar of All Saints to appoint or remove any Officers of the House, as Stewards, &c.; though there seems

colour or foundation for their giving directions to the Warden as to the repairs of the House, ascertaining the quantity of timber, &c., being a power like what Bishop Fuller had exercised in making his 24th and 25th Statutes ; though I must confess that I am doubtful whether he did not therein exceed his powers.

“KNIGHTLY D'ANVERS.

“*April 8th, 1731.*”

Other legal advice was obtained from high quarters, one and all unanimously declaring the Bishop and Dr. Stukeley to be utterly in the wrong.

John Zeaman died in 1731, his life, we must fear, shortened by an unceasing, worrying persecution. Happily he was a man well fitted to protect a noble charity in its hour of serious danger. So long as Browne's Hospital shall endure, its inmates and the good old town of Stamford will have to remember with thankfulness the faithful Warden, who so firmly and so successfully withstood the many and determined attempts to rob the Hospital of its revenue and its rights.

Throughout this controversy we cannot but have observed how inactive has been the Dean, Mr. Henson. This may be accounted for by his having in May 1727* appointed himself Confrater. The Mayor of Stamford, as we have already noted, disputed the legality of the act, and on the 7th of June appointed Mr. Dodd. Under these circumstances, Mr. Henson seems to have confined himself closely to his duties as Rector of Somerby, in Leicestershire, and so left Stukeley to work alone with Bishop Reynolds, who was his warm friend, and, as a mark of his esteem, had offered him the living of Holbeach.

* This proof that the Dean of Stamford was no Dean of Peculiars, is fully considered in chap. iv. p. 97.

The death of Zeaman was deemed by Stukeley most convenient, as it seemed to present an unexpected and favourable opportunity for securing his end. He had only to provide a successor, who would work with him, and then all would run smoothly. He therefore wrote at once a letter to Dean Henson, which shows us what opinion he entertained of the Dean's morality. It also makes sadly clear, to what mean proceedings men will at times resort, rather than have some favourite plan thwarted. The Dean's appointing himself to a vacant Confraternity may have led the Dr. to believe his opponent could be won by a bribe ; but, even so, the sacred truth was forgotten or cast aside, that he who offers the bribe is as guilty as he who receives it, and not seldom more so.

*" William Stukeley to the Reverend Gregory Henson,
Dean of Stamford.*

" I received a very friendly letter from the Bishop to-day, by which I perceive he has our affairs at heart, and will take it very kindly if you will use your endeavours to set the Hospital in such a state, as he may have it in his power to do us good. This must be by choosing a Warden who will concur with his Lordship. I assure you, I likewise have the good of the House too very much at heart. I was glad to hear from your brother that you had made no absolute promise. That was my way. I said I could not make an absolute promise till I spoke to Mr. Dean. There are many candidates, and good ones too. Our interest will be to choose whom we think best, and by no means to bring up so ill a precedent as to lapse the election from us. If you please to concur with me, I am confident that I can promise and can perform it, and will to the utmost of my power. That you have a man of

figure, very acceptable to my Lord Bishop and the great ones, and such a man as will be your true friend, and will have the most grateful sense of your favour; and I will engage for him, that your family's interest will always be his view, as particularly I am sure I can engage him so far, as that your brother shall have the business of the House entirely, so far as lyes in his way. Your interest and mine in this affair are both the same. I dare promise you it will be a thing so acceptable to the Bishop, that he will do all he can to get a salary for you, and, if that be impracticable, I can promise that you will have a very handsome gratuity every time you come to do business; and that in such a manner as you direct yourself; and for your trouble in this and the like you shall be well considered. Good Mr. Dean I promise you, on my part, that you will doe the most obliging thing in the world in concurring with me, and there is no favour that I can serve you in, but you shall freely command it, in any future views or interests you may have. If I can make any interest for anything you have to ask of the Bishop or Chancellor, or of our neighbouring Dukes of Ancaster or Rutland, I will endeavour to serve you to the utmost of my power. I shall reckon it a very great obligation, and shall ever be sensible of it, and endeavour to return it upon all occasions.

"I am, good Mr. Dean, your most affectionate brother and most obedient servant to command,

"WM. STUKELEY.

"P.S.—Because we have no time to lose I will meet you at the Inn at Burley-on-the-Hill, by 12 o'clock, on Wednesday next."

That they met we may feel sure, but what took place

at the meeting will never be known. It is highly probable that the Dean indignantly resented the low estimate the Doctor entertained of his independence and integrity. This, however, we do know, they did not agree upon the appointment. With his wonted doggedness Stukeley sought the support of the eminent archæologist, Mr. Francis Peck; and the two, still hoping that something might be done, joined in a letter to Mr. Edward Curtis, Steward of the Hospital:—

*"Wm. Stukeley and Francis Peck to Mr. Edward Curtis
of Stamford.*

"9th July, 1731.

"MR. CURTIS.

"I don't know whether Mr. Dean fully executed the commission to you which I gave him, and acquainted you with the overtures I made for a perfect reconciliation between us; because I have heard nothing from him, nor for any appointment for me to wait on you, as I told him, I was ready to do upon the least intimation. I find, that if a new Dean is to be made, you are to be a sacrifice; but I assure you, if we succeed in our intentions, whether by your concurrence or no, you shall meet with all generous usage; nor have we the least design to displace you or any of your family, or make any attempts that way. I shall be glad to meet you where you please, and, to show our sincerity, we subscribe ourselves,

"Y^r. humble Servants,

"WM. STUKELEY,

"FR. PECK."

All the manœuvring of the tempting Vicar was in vain. The Dean could not be won over, and so the two failed to make a joint appointment. Mr. Cawdron was nominated

Warden on the 19th of July, 1731, by Mr. Wm. Spinckes,* whose claim to be the legal representative of the Founder was, on this occasion, unquestioned.

“To all Christian people to whom these presents shall come, I, William Spinckes, of St. Andrew, Holborn, London, Esq., Heir-at-Law and Legall Representative of William Browne, Founder of an Hospitall or Bead House of Stamford, in the County of Lincoln, now called and incorporated by the name of the Hospitall of William Brown, in Stamford, in the County of Lincoln, of the foundation of King James the First, send greeting. Whereas I, the said William Spinckes, in pursuance of the Statutes belonging to the said house, have, by a certain deed or instrument in writing, bearing even date with these presents, collated, nominated and chose John Cawdron, Clerk, Ma. of Arts, into the office or place of Warden of the said Hospital, now vacant by the death of John Zeaman, Clerk, late Warden thereof, and to my nomination and donation belonging. Now, therefore, these presents witnesse that I, the said William Spinckes, have nominated, and by these presents do nominate, constitute, and appoint Edward Curtis, of Stamford, aforesaid Gent., my true and lawfull Attorney, for me and in my name and in my stead and place, to admit, put, and place the said John Cawdron into the reale

* The Founder's heir must be the descendant of his only child Elizabeth, who married Sir John Elmes of Lilford, whose eldest son Edward had two sons, the elder, John, who died without issue, and Thomas Elmes of Green's Norton, who had four sons, the eldest, William of Lilford, the second Thomas of Warmington, Anthony, and John. Arthur, the only child of William Elmes, died without issue in 1663, and thereupon Martha, the wife of the Rev. Edward Spinckes of Castor, the daughter and only surviving child of Thomas Elmes of Warmington, became heir of the founder, and her eldest grandson William Spinckes, being the heir of the founder, here appointed Cawdron as Warden.

and actuall possession of the said office or place of Warden of the said Hospital, with all and every the rights, members, and appurtenances whatsoever thereunto belonging. To hold to the said John Cawdron for the term of his naturall life, according to the Statutes, Ordinances, and Constitutions of the said Hospitall. And I do hereby give to my said Attorney my full power and authority in the premises, and to do and transmit to all and every such Act and Acts, thing and things, needful and necessary for the purposes aforesaid, as fully and effectually as if I myself were there personally present, hereby ratifying and confirming whatsoever my said Attorney shall lawfully do in and about the premises. In witness whereof, I, the said William Spinckes, have hereunto set my hand and seale, this nine twenty day of July, in the fifth year of the reign of our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, Annoque Dom., 1731.

"Sealed and delivered in the presence of Rich. Snow, Chas. Snow, Noah Curtis,

"WILLM. SPINCKES." (Seal.)

The new head of the Hospital proved himself a valuable officer, at a time when sound common sense and great firmness of purpose were specially required. Judging from the following address to the Bishop, on John Cawdron had fallen the mantle of Zeaman with all its virtues :—

"Reasons humbly offered to the Right Reverend Father-in-God Richard, Lord Bishop of Lincolne, by John Cawdron, Clerk, Warden of the Hospital of William Browne, in Stamford, in the County of Lincoln, of the Foundation of King James the First, Jacob Dodd, Clerk

Confrater, and the twelve Poor of the said Hospitall, for and on behalf of themselves and their successors, why the above demands of Dr. Stukeley, Viccar of All Saints', ought not to be paid out of the common stock: a copy whereof they have caused to be registered in their Public Register, that the same may be transmitted down to their successors, and in order to prevent the like encroachments from the Viccar of All Saints' for the future.

"First and principally, we apprehend and are advised, that the above demands of Dr. Stukeley are highly injurious to the rights and liberties vested in us by our originall Statutes, and the Charter of our Royal Founder; by both which the rents and revenues of the whole estates belonging to the Hospitall are appropriated to the sole and only proper use and behoofe of the Warden, Confrater, and twelve Poor; and any other application thereof must and will be, in our humble opinion, deemed a violent invasion on our properties: and, by 7, 8 Stoke's Statutes, the Warden hath the ministration and disposal of all the rents, revenues, and goods of the Hospitall.

"We apprehend, that if the above demands of Dr. Stukeley were now submitted to, the same might hereafter be drawn into fatall precedent, and would be an encouragement to him and his successors to revive and keep alive those unnecessary disputes, which of late have so much disturbed the peace, order and quiet of the said Hospitall.

"We apprehend that, as those disputes have been brought upon the House by the sole contrivance of the present Viccar, and as he has not been able to support his charge in any one instance against any of the members of this House, it is but reasonable and just that he should bear his own expense; if not, the charges the House hath

been unnecessarily put to, in defending their just and legall rights.

“We do not doubt but we shall be able to make it appear to your Lordship, that the severall items in the above demands are both unjust and unreasonable, and that they cannot be complied with without a manifest violation of the oath taken by the Warden on his admission, and a breach of the trust reposed in him. And therefore we shall beg leave to observe on the severall items of the Doctor’s bill as follows :—

“To the 1st Item. We say, that the Dean and Viccar have, for about seven years last past, been paid on the renewal of every lease one guinea each, as a recompense and satisfaction for the trouble and pain they may happen to take in surveying the Hospital Estates, as they come in to be renewed, or at other times ; which we have hitherto submitted to for peace and quietness sake. Further, it was never paid or demanded until Dr. Stukeley was Viccar.

“2nd Item. The Dr. hath been actually paid by the Warden one guinea for this Survey.

“3rd Item. The same answer as to the 1st.

“4th Item. The like answer.

“5th Item. The Dr. hath been actually paid by the Warden one guinea for this Survey.

“6th Item. The like answer.

“7th and 8th Items. The like answer as to the first.

“To the 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th and 17th Items, we say, that, as this Visitation was brought upon us by the false and groundless suggestions of the present Viccar, in order to establish a very extraordinary and illicit sallary upon himself, he ought not to be rewarded

at our hands for creating such disturbances. We, with all humility, submit itt to your Lordshipp's great wisdom, whether the Doctor, instead of being rewarded, ought not to be censured for making use of your Lordship's name in his bill of charges in the manner he hath done?

"But what is a plain direction to us in this case is a letter of your Lordshipp's, dated December 26th, 1730, directed for the Warden of Browne's Hospitall, Stamford, wherein your Lordshipp is pleased to write thus:—

"‘I think it proper to add, that I will not suffer any expenses to be made by the Hospitall on account of this Visitation, other than for Councill.’ And if this had not been the case, it is notorious that the Doctor's journies to London were upon his own private affairs, and, therefore, they ought not nor cannot be charged to the House.

"As these our reasons and apprehensions are founded in truth, in Equity, and Justice, we do not doubt but they will meet with your Lordshipp's concurrence and approbation.

"We are, my Lord, your Lordshipp's obedient and faithful Servants, &c."

In the wording of this appeal, the Bishop must at once have discovered the guidance of an acute legal mind; and the opinions of the leading lawyers of the day, all in favour of the Inmates of the House, having been submitted to him, we may conclude that his Lordship saw distinctly, that Dr. Stukeley could not any longer with safety be upheld; that any attempt to do so would surely fail. This much is certain, the Bishop disappears from the scene, and a poor despicable struggle for money and power ends with the following compromise, to which

the House consented, because it was very harmless and pointed to peace :—

“Agreement dated 28th September, 1731, between the Dean of Stamford (Gregory Henson), the Vicar of All Saints’ (William Stukeley), the Warden (John Cawdron), and the Confrater (Jacob Dodd).

“Impris. Itt is agreed by the Dean of Stamford, and the Vicar of All Saints, with the consent of the Warden and Confrater, that no lease for the future shall be granted, except an exact Terrar of the lands to be demised be first laid before them ; in which Terrar shall be specified the exact and true quantity and quality of such lands.

“Item. Itt is also agreed as aforesaid, that the full fourth part at least of the improved yearly rent shall be reserved on every lease to be renewed.

“Item. Itt is also agreed as aforesaid, that there shall be four quarterly meetings in the year, at the Hospitall, in order to settle the fines and rents on the renewal of leases, and the other business of the Hospitall ; which daies shall be the Monday after the four usual quarter daies, viz. : Lady Day, Midsummer, Michaelmas, and Xmas. And if either the Dean or Vicar cannot attend, he may appoint a Deputy, so that the business of the House may go forwards.

“Item. Itt is also agreed as aforesaid, that, upon the renewal of every lease, there shall be paid to the Dean and Vicar one guinea each, which the Warden is to pay, and to be allowed him again in his accounts.

“Item. Itt is agreed as aforesaid, that an actuall survey shall be taken of the premises before any lease is granted, which survey shall be taken by the Dean and Vicar or their Deputies, as the Statutes direct ; but the

charge and expense of surveying such estates shall be settled and adjusted by the Dean, Vicar, Warden, and Confrater, who all may, if they think proper, be present at such Survey.

"28th September, 1731.

"We do consent and agree to the within Articles.

"GREGORY HENSON, *Dean of Stamford*.

"WILLIAM STUKELEY, *Vicar of All Saints*'.

"JOHN CAWDRON, *Warden*.

"JACOB DODD, *Confrater*."

CHAPTER VII.

RIDLINGTON *v.* ROSS.

THE agreement between Dean, Vicar, Warden, and Confrater, with respect to the renewal of leases and fixing fines, brought with it rest for a season. The records of the Hospital show that Stukeley attended punctually the quarterly meetings, and in his way took an interest in the Charity, but being imperious and strong willed, it was hardly probable that the quietude would go long undisturbed. The only letter which suggests how matters went on during some six years of the new régime is one from the Doctor to Mr. Cawdron, which informs us that, on January 23rd, 1737, they were in violent conflict on the old subject, the application of fines:—

*" Wm. Stukeley to the Rev. John Cawdron,
Warden of Browne's Hospital.*

" SIR,—

"I am sorry you overlooked Bishop Fuller's Statute, which informs both you and me of our duty as to fines. Therefore I still insist on the two particulars before insisted on. I shall wait on you to-morrow to take the Inventory.

"Your humble servant,

"W. STUKELEY.

"P.S.—I don't think it worth while to answer your insolence or your threats."

The insolence and threats were not answered by letter,

but they were remembered, for after the lapse of only a few months we find the Vicar again arrayed against his old opponent. He complained to the Bishop that marriages were celebrated in the Hospital, and the Warden received, through the Chancellor of the Diocese, an order to discontinue the irregularity :—

“ To the Rev. Mr. Cawdron, Warden of Browne’s Hospital.

“ BUCKDEN, 27th April, 1737.

“ SIR,—

“ I am ordered by my Father to acquaint you, that he has received a letter from Dr. Stukeley complaining of a practice of marrying people in the Chapel of the Hospital, in prejudice to the rights of the Rectory. This practice my Lord thinks himself obliged to take under consideration, not only as it is said to affect the rights of the Rectory of St. Peter’s, but on account of the exceptions to which it is liable from the laws that regulate matrimonial licenses.

“ The Bishop of Lincoln is, it is true, Visitor of the Hospital, but his power there is from the Charter of the Founder, and distinct from his ordinary and canonical authority. So that the marriage licenses, granted by his Chancellor in virtue of his Episcopal and ordinary authority, are no warrant to marry people in that place, which is subject to a local, not an ordinary Visitor.

“ With this reason, and without inquiry how this practice interferes with the rights of St. Peter’s, I am directed by my Lord to intimate you his advice to forbear the going on in a way, which may be attended by all the inconveniences which are chargeable upon clandestine marriages.

“ I am, Sir, with due regard,

“ Your very humble servant,

“ G. REYNOLDS.”

In the parish register of St. Michael's we find as follows :—

"1734. Daniel Jennings and Susanna Bailey, mar. July 8 (Browne's Hospital).

"1734. John Raven and Fran. Wilson, mar. Aug. 20 (Browne's Hospital)."

These, we may consider, were the marriages in the Hospital Chapel of which Dr. Stukeley complained, and about which the Bishop conveyed by his Chancellor his "advice." That advice, however, was not long heeded, for we find recorded in the register of the same parish that, on March 30, 1747-48, William Lowe and Ursula Hubbard of Uffington were married in Browne's Hospital. This laxity is easily explained. John Cawdron, Stukeley's opponent, died in 1744, and was succeeded by William Ross, for whose position as Confrater we shall forthwith find Dr. Stukeley so unscrupulously and so doggedly contending. Ross, as Warden, was Stukeley's friend.

We would note here, that it was in the year 1737 the Hospital prudently invested the small sum of 21*l.* in the purchase from Elizabeth Walhurge of a cellar in the parish of St. Mary, Stamford. This formed part of the old George and Angel Inn, which, with other property of the Hospital in Scotgate (now the site of Rock Terrace), was exchanged with Richard Newcomb for certain acres of pasture land in Sutton St. Edmunds.

In Oct. 1737, Mr. Dodd, the Confrater, was so ill that his death was evidently near at hand. Stukeley at once became active. He sought the Dean, to arrange with him, if possible, for a successor to the Confratership ; but finding that they could not agree, he opened a communication with Mr. Wm. Spinckes, who in 1731 had appointed Mr. Cawdron as Warden, with the hope that he could induce

him, as heir of the Founder, to nominate the Rev. Wm. Ross, Confrater. In this he failed. Mr. Spinckes places the selection in the hands of his cousin :—

*“ To Elmes Spinckes, Esq., att Aldwinkle, near Thrapston,
in Northamptonshire.*

“ DEAR COUSIN,—

“ LONDON, 18th Oct., 1737.

“ I have received your letter of the 16th inst., and if the nomination of a Confrater falls to me, Mr. Ridlington shall have it. Yesterday morning, before I had received your letter, Mr. Curtis was with me, making great solicitation that I would give my promise to the Vicar of All Saints' at Stamford, for a person he would put in. In answer to which I told Mr. Curtis that, as you lived in that neighbourhood, I should do nothing of that nature without first advising you of it; and, if you had any person to name he should to be sure have the preference with me; therefore all I could do was to promise that, if the Vicar of All Saints' would apply to you, and you approved of his choice, I would do so too. I suppose you will hear from the Vicar shortly on this occasion, and if Mr. Ridlington is his man, all is well on both sides; if not, you have only to put a negative to his choice, and your's has it. Pray give my service, &c., and I am

“ Your most affectionate kinsman and humble servant,

“ WILLIAM SPINCKES.”

Seeing that Spinckes was thus determinedly in favour of Ridlington, the ingenious and ready Vicar set up a new heir in Mr. Francis Browne, of Greatford Hall, repudiating the once accepted heir, on the ground that his pedigree was imperfect, and further, that, being a Roman Catholic, he could not act in the matter.

Dodd died on the 11th of November, and, no appointment having been made by the Dean and Vicar of All Saints' within fourteen days, Stukeley prevailed on Mr. Browne to appoint Ross as Confrater :—

"I, Francis Browne, of Greatford, in the County of Lincolneshire, and Legal Representative of Wm. Browne, the Founder of an Hospitall or Almshouse in Stamford, in the said County of Lincolne, now called and incorporated by the name of the Hospital of Wm. Browne, in Stamford, in the County of Lincolne, of the Foundation of King James the First, &c., situate in the Villa or Borough of Stamford aforesaid, do, by these presents, confer upon our beloved in Christ Wm. Ross, Clerk, Batchellor in Laws, the office of Confrater of the said Almshouse or Hospitall, now lawfully vacant by the death of Jacob Dod, Clerk, late Confrater of the said Hospitall, and to my Collation and Donation belonging, And by these presents do put you into the reall possession thereof, with all and singular its rights, members, and appurtenances, for and during the the term of your naturall life, according to the Statutes, Ordinances, and Constitutions of the said Hospitall. In Witness whereof I have hereunto set my hand and seale, the twenty-sixth day of November, in the year of our Lord one thousand seven hundred and thirty-seven.

"Sealed and delivered, first having been duly stamp't, in the presence of Noah Curtis, Wm. Harding.

"FRANCIS BROWNE."

The very questionable course pursued by Dr. Stukeley was not likely to raise him in the estimation of his fellows. This he himself seemed to perceive, judging from the following letter, which is a bold but unsuccessful effort to make wrong appear right. The little piece of delicate

flattery and attention with which the explanation closes is quite amusing :—

“*Wm. Stukeley to Elmes Spinckes of Aldwinkle.*

“STAMFORD, 5th Dec., 1737.

“GOOD SIR,

“After I found Mr. Spinckes of London so fickle as to hesitate at the generous proposal I readily made at your house, and which you transmitted to him, and rather chose to commence a new bargain with me than stand to the old ; I was induced to take a new turn, which the Bishop, to whom I gave my interest, agreed to ; that was, to admit another gentleman, Mr. Ross, on the nomination of Mr. Browne of Greatford, who is affirmed to be the heir of the Founder on as good a title as any other. I was the rather induced to do this from the absolute slight put upon me by the Dean, his brother, Hurst, Blackwell, &c. ; who thought not worth while to ask me, and further, that, by this means, the real title might be tried and made good ; till then my contract would be uncertain altogether. When that is made out, I am ready to enter into the first convention, made either at London or Aldwinkle. By what I did I could in no ways prejudice Mr. Spinckes, but left it *valeat quantum valere potest* after the affair was over. On sight of an account of your answer to me, Mr. Spinckes receded from his strickness ; but then it was too late, the business was done. This Mr. Spinckes did not consider that, as there was but a fortnight allowed to each claim, the case was too precipitate to be dallyed with.

“I wrote this lest you should think I had done anything in this matter which should look dishonourable, which I should be sorry for, and which I am not conscious of. Can the thing be set upon a good bottom ? I am still ready to concur in

anything proposed by Mr. Spinckes, or by you in his absence.

"I had a real pleasure in commencing an acquaintance with you, and shall desire by all means to cultivate it; and for that purpose will omit nothing in my power. My most humble respects wait on your good family, and, when they come to Stamford, I shall be glad to wait on them at my house.

"I am, Sir,

"Your most obliged and most humble Servant,

"W. STUKELEY."

William Spinckes, whose position, as heir of the Founder, was thus openly attacked by the very man, who would have stoutly maintained it, could he have used it for his own purposes, repelled the intrusion, by at once nominating Henry Ridlington, Confrater, and arranging for his formal admission to the office :—

"To all whom these presents may concern. I, William Spinckes, of the parish of St. Andrew, Holborn, in the County of Middlesex, Esq., send greeting :—

"Whereas Jacob Dodd, Clerk, late Confrater of William Browne's Hospitall in Stamford in the county of Lincoln, of the foundation of King James the First, departed this life Friday, the 11th of Nov. instant. And whereas the Dean of Stamford aforesaid, and the Vicar of All Saints in Stamford aforesaid, have not nominated, appointed, admitted, and placed in actual possession another fitt person to be Confrater of the said Hospitall, in the room and stead of the said Jacob Dodd deceased, within 14 days after the decease of the said Jacob Dodd, according to the Statutes and Laws of the said Hospitall in such case made and provided. These are therefore to certifie, that I, the

said William Spinckes, heir at law to the said William Browne, have nominated and appointed, and by these presents do nominate and appoint, the Rev. Mr. Henry Ridlington, of Hambleton, in the County of Rutland, Clerk, to be the Confrater of the said Hospitall, in the room, place, and stead of the said Jacob Dodd deceased. And for the better exemption of these presents, I, the said William Spinckes, have constituted, appointed, and in my place and stead putt, and by these presents do constitute, appoint, and in my place and stead putt, the Reverend Gregory Henson and Ralph Berdmore, Clerks, and Thomas Hurst, Gent., joyntly or any of them severally, my true and lawful attorney and attorneys, for me and in my name, place and stead, to admit and place the said Henry Ridlington, Confrater, into the actual possession of the said Hospitall.

“To hold to the said Henry Ridlington, for the term of his natural life, according to the Statute, and Statutes and Constitution of the said Hospitall. In witnesse whereof I, the said William Spinckes, have hereunto sett my hand and seal, the twenty-ninth day of November, in the year of our Lord one thousand seven hundred and thirty-seven. Sealed and delivered, being first duly stamped, in the presence of Francis Musson—Robert Ridlington.

“WILLIAM SPINCKES.” (Seal.)

No difficulty whatever was made when formal admission to the Confraternity was sought by William Ross; for, “immediately after Francis Browne had duly executed the deed of appointment, the Vicar of All Saints’, together with the said Francis Browne, John Cawdron, the present Warden, the said William Ross, and the Poor of the said Hospitall, and others went into the Chappell, and immediately after the celebration of Divine Service, and the

said William Ross's declaration of conformity to the Church of England as by law established, in the presence of the Warden and Poor, administered the oath of admission appointed by the above mentioned Statute of Stokes, and admitted and put him into real possession of the said office."

How different was the treatment of H. Ridlington:—
 "6th Dec., 1737. One of the Poor men, usually called the Clerck of Browne's Hospital, being ordered, in the Dean of Stamford's name, to be ready with the key of the Chappell, he sent one of the Poor women to enquire at the Warden's house for it, and found that it was not left out. This, the Poor men say, is an unusual proceeding, the key having always been left in the house ready for them.

"ROBERT RIDLINGTON.

"WILLIAM MILLER."

"Dec. 7, 1737. The key of the Chappel of Browne's Hospital being demanded of the Warden in the Dean of Stamford's name, and also in the name of Mr. Thomas Hurst, as attorney or agent to William Spinckes, Esq., the Warden absolutely denied to let us have it, to send, or bring it down."

"Wednesday, Dec. 7, 1737. At three o'clock in the afternoon Mr. Dean of Stamford, Mr. Hurst as Agent to Mr. Spinckes, and Mr. Robert Henson of Stamford, went to Browne's Hospital, and found the outward door shut and the second door lock't. After knocking some time, Doctor Stukeley opened it. Mr. Dean demanded, Why the door was lock'd, and told him that himself and Mr. Hurst were come to admit Henry Ridlington to the Confraternity upon Mr. Spinckes' presentation.

"After some time the above person, with the aforesaid

Henry Ridlington, and the Rev. Mr. Birdmore, Mr. Lee, Mr. Robert Ridlington, Mr. Wm. Lindsey, Mr. Jno. Porter, and Mr. Charles Henson, went to the door, and the Dean and Mr. Hurst demanded the key of the Chappel of Dr. Stukeley, in order to admit Henry Ridlington, Confrater, in the Chappel, according to the Statutes. Dr. Stukeley answered, he had not the key, and did not know where it was. They then asked where the Warden was. He answered that he was not the Warden's keeper, nor did he know where he was. Then, being asked where the Poor men were, he answered, he did not know where they were.

"Mr. Robert Ridlington upon this, going up to the kitchen door to see for them, and looking through the key-hole saw some of them, and called several times to them before they would answer. At last one of them spoke. The said Robert Ridlington thereupon returned to the Dean, Mr. Hurst, and the rest of the Gentlemen standing at the Chappel door, and told them that the Poor men were in the kitchen. Mr. Dean, Mr. Hurst, and the rest of the Gentlemen then went to the kitchen door, and the Dean demanded that they would come to the Chappel to see H. Ridlington admitted Confrater, according to the Statutes. They answered they were locked up by Dr. Stukeley, who had called them into the kitchen to speak with them, and gave them some money to drink, and so locked them up and took away the key. The Dean then asked them, how many there were of them there. They told him, all of them except old Slighton. They said they should have been glad to have gone to the Chappel, but that Dr. Stukeley had locked them in. The Dean then asked them again, whether Dr. Stukeley had locked them in, and they answered that he had. Whereupon the Gentlemen all returned to the Chappel door, and the

nomination under the hand and seal of Mr. Spinckes was produced, which Dr. Stukeley read, and the admission under the hand and seal of Mr. Thos. Hurst, as Agent to Mr. Spinckes, and the said H. Ridlington admitted thereupon ; and the said Hen. Ridlington thereupon got through the rails into the Chappel, and there openly read the certificate of his having subscribed to the Articles of the Church of England, under the hand and seal of the Bishop of Lincoln ; and openly declared his conformity to the Liturgy of the Church of England, as by law established. The said Dean then administered to the said H. Ridlington the Confrater's oath, as by Statute directed, in the presence of all the Gentlemen. The said Hen. Ridlington then came out of the Chappel, and with the Dean, Mr. Hurst, and rest of the gentlemen, went again to the kitchen door, where the Poor men were locked up. Upon which, the Dean ordered them to come to the window and open it. The window being opened the aforesaid oath was again administered in the presence of the Poor men, and the certificate of conformity, &c., read, as in the Chappel, and the admission was also read to them under the hand and seal of Mr. Hurst, as Agent to Mr. Spinckes.

"The key of the kitchen door being demanded of Dr. Stukeley, he refused to give it, and said he was the local governor of the place, and accountable to nobody but the Bishop of Lincoln."

All this worry and indecent struggle proved useless. A new movement was deemed necessary. Finding that there would be great difficulty in maintaining the claim of Ridlington to the Confraternity on the ground of Wm. Spinckes being the legal representative of the Founder, the Dean and his allies advised, that an immediate application should be made to the Mayor to appoint him, and so,

it was thought all would be well. The appointment was made by the Mayor on the 16th December, 1737 :—

“Henry Ridlington, of Hambleton, in the County of Rutland, Clerk, tendered a presentation or nomination, signed ‘by me, Thomas Alcock, Mayor of Stamford,’ and sealed with the Corporation seale, attested by J. Wyche and James Crouch ; which nomination recites that the heir of Mr. Browne did not present within fourteen days after default of nomination from the Dean and Vicar, and the nomination is in these words, ‘that I nominate, &c.,’ and is dated 16th of December, 1737.

“Witnesses thereto, Wm. Stukeley, Noah Curtis, John Cawdron, Warden.”

That seems to be a note, duly signed, connected with the following record of another formal attempt to admit Henry Ridlington as Confrater :—

“STAMFORD, 19th Dec., 1737.

“Mr. Mayor, the Dean, Town Clerk, and Sergeant went to Browne’s Hospitall, and (the Dean knocking at the outward door) were admitted into the inward court, and from thence into the Parlour of the Warden’s apartment, and no further. The Mayor’s nomination of Mr. Ridlington, Confrater, was demanded by Dr. Stukeley and Mr. Curtis, and the same was produced, and by their desire read by the Town Clerk.

“Mr. Mayor, and also the Dean, acquainted the Warden and the rest of the persons present with their business, namely, that the Dean was come to be present at the admission of Mr. Ridlington to the Confraternity, who was nominated Confrater by the Mayor, and then demanded of them entrance and admission into the Chapell, that the Confrater might be admitted according to the Statutes of

the said House, which the Warden absolutely refused, and said they should not go in then ; and, being desired to fix any other time to admit the Confrater, he declared that they should not go into the Chapple then, or at any other time. The Statutes requiring that, the Poor of the Hospitall should be present at the admission of a Confrater, the Mayor, and Dean likewise, demanded that the twelve Poor of the Hospitall might be present to the admission ; which the Warden refused, and said they might find them if they could, and that he would not produce them. It afterwards appeared they were removed from the Hospitall and lock't up at the Steward's house.

“The Mayor, and Dean likewise, desired the Warden entrance into the Chapell next morning, and to have the Poor there at that time ; which request was absolutely refused by the Warden, who said he never would consent to it. Wherefore, Mr. Ridlington was sworn by the Dean at the nearest door of the Chappell, and there admitted by the Mayor.”

Stukeley, knowing well the difficulty of proving a pedigree, distrusted the authority of Francis Browne to act, as much as the Dean did that of William Spinckes. He therefore urged the Bishop to strengthen Mr. Ross' position by himself constituting him Confrater. To this appeal the Bishop assented :—

“To all Christian people to whom these presents shall come, Richard, by Divine permission, Lord Bishop of Lincoln, and Visitor of an Hospitall within the town of Stamford, in the County of Lincoln, now known and incorporated by the name of the Hospitall of William Browne, in Stamford, in the County of Lincoln, of the foundation of King James the First, sendeth greeting. Whereas, in pursuance of the Statutes belonging to the

said Hospitall, we have, by a certain Deed or Instrument in writing, bearing even dates with these presents, collated, nominated, and chosen Wm. Ross, Clerk, into the office or place of Confrater of the said Hospitall, now vacant by the death of Jacob Dodd, Clerk, late Confrater thereof, and to our nomination and donation belonging. Now, therefore, these presents witness that we have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint William Stukeley, of Stamford, aforesaid, Clerk, our true and lawful Attorney for us and in our names, stead, and place, to admitt, put, and place the said William Ross into the reall and actual possession of the said office or place of Confrater of the said Hospitall, with all and every the rights, members, and appurtenances belonging, to hold to the said William Ross for his natural life, according to the Statutes, ordinances, and constitutions of the said Hospitall; and we do hereby give to our said Attorney our full power and authority in the premises to do and transact all, and every such act and acts, thing and things, needful and necessary for the purposes aforesaid, as fully and effectually as if we were there personally present; hereby ratifying and confirming whatsoever our said Attorney shall lawfully do, in or about the premises. In witness whereof, we have hereunto set our hand and seale, this twenty fourth day of December, one thousand seven hundred and thirty seven.

“RIC. LINCOLN.”

The nomination of William Ross had at first been worded and dated differently. The following letter from the Warden (to Chancellor Reynolds?) suggests certain alterations, which we find were accepted, and carried out by the Bishop:—

"STAMFORD, 8th Dec., 1737.

"SIR,

"I return my Lord most hearty thanks for the favour shown to Mr. Ross, and humbly beg of his Lordship further countenance and favour. The nomination his Lordship has been pleased to give him seems, in my opinion, disagreeable to the 6th Statute, which saies, that the nomination of the Warden or Confrater shall be for the term of their lives, and this nomination is made to hold to him as long as he shall well and truly behave himself, which is contrary to our usually received forms of nominations. It is also very materiall to have the date altered to the 24th of December instant, when it lapses to his Lordship. And, if it is not too great a presumption, Mr. Ross will show the form we have generally pursued upon the late occasions. If his lordship be pleased to favour us in this matter, which I am desired to ask in the name of the whole body, it will be a lasting obligation upon all persons concerned therein, to return it upon all occasions with the utmost gratitude, and thankfulness to his Lordship, and will be a means, upon any disagreement of the Dean and Vicar, to establish the right for the future in his Lordship and his successors for ever. I am, with my most humble duty to his Lordship, and with the greatest respect to yourself and all your family. Sir,

"Your most humble and obedient Servant, ."

(not signed, but evidently from John Cawdron, Warden.)

Stukeley, ever shrewd and active, delayed not a day in admitting William Ross, observing strictly the injunctions of the Charter ; and Ross, being well in possession, repudiated the claims of Ridlington to the Confraternity, as worthless and presumptuous.

The Mayor, deeming the privilege of his office gravely assailed, was highly indignant, and at his instance it was determined, that Ridlington should institute proceedings in Chancery. The best legal opinions were at once obtained, which were strongly in favour of Ridlington ; but he, while anxious to maintain his right, being a poor man, easily saw difficulties in his way, and dreaded heavy legal expenses. This is seen clearly in a letter to his great upholder Mr. Hurst :—

“ To Mr. Hurst, Attorney-at-Law in Stamford.

“ HAMBLETON, March 4th, 1738.

“ SIR,

“I am glad to find that Mr. Noel and Mr. Murray agree in their opinion, that our affair may be done by petitioning the Lord Chancellor. But yet, it seems a very nice and a very tedious dispute, wether the Bishop be not Visitor, and, if I rightly understood Mr. Murray, he does not advise us to contest this point.

“I am told that an Act of Queen Ann (I don't know what Act it is) to indemnify Visitors, makes their determination final. If, then, the Bishop should take cognizance of this matter, I apprehend that it will, by virtue of the above Act, prevent our petitioning the royal Visitor.

“I should think it, therefore, very advisable that we make no delay in petitioning, lest the Bishop should visit first. I should be glad to hear that I am apprehensive of danger where there is none, but, if you are not very certain there can be no danger, I hope you'll proceed cautiously and you'll oblige, Sir,

“Your most obedient humble Servant,

“HENRY RIDLINGTON.”

Mr. E. Spinckes felt keenly the treatment his cousin had received, and never ceased to do his utmost to thwart Dr. Stukeley. On the 9th of March, he writes to Mr. Hurst to say, that he was about to obtain the advice of his relative, Dr. Andrew, who was capable of rendering Ridlington valuable assistance :—

"To Mr. Hurst, Attorney-at-Law, Stamford.

"SIR,

"ALDWINKLE, March 9, 1738.

"I this instant received your letter by Mr. Ridlington, and, according to your advice, will write Dr. Andrew by the next post. I have been telling Mr. Ridlington what interest I have with the Doctor. I have always found him a very good friend and a near relation of mine, and I will use my best endeavours in Mr. Ridlington's interest ; but, notwithstanding, I dare not venture to advise him to take a journey to London, upon my application, for fear he should not succeed. I shall press the Doctor for an immediate answer, and if I find any encouragement from him I will send his answer to Mr. Ridlington.

"I am your very humble Servant,

"E. SPINCKES."

What answer Mr. Spinckes received is not recorded, but Ridlington's wish for a speedy presentation of his petition was satisfied, as his case was laid before the Lord Chancellor on March 13, 1738 :—

*"To the Right Honourable Philip, Lord Hardwicke,
Lord High Chancellor of Great Britain.*

"The Humble Petition of Henry Ridlington, Clerk, sheweth :—

* * * * *

"That Jacob Dodd, Clerk, dyed Confrater of the said

Hospitall, on or about the 11th day of November, 1737, and the said Dean of Stamford, and Vicar of All Saints' aforesaid did not, within fourteen days next after, nominate, constitute, or appoint a fit person to be Confrater of the Hospitall, in the stead of the said Jacob Dodd ; whereby the undoubted right to such nomination came unto, and devolved upon, the heirs of the said William Browne, who did not make any such nomination or appointment within other fourteen days after the death of the said Jacob Dodd.

“That on the 16th day of December, one thousand seven hundred and thirty seven (being within fourteen days next after the expiration of the fourteen days, given by the said Charter and Statutes, to the heirs of the said William Browne to appoint as aforesaid), Thomas Alcock, gentleman, then Mayor of the Town of Stamford aforesaid, by virtue of the right and power come unto and devolved upon him, did, by his deed-poll in writing, nominate and appoint your petitioner to be Confrater of the said Hospitall, in the place of the said Jacob Dodd ; and, on the 19th day of the same month of December, the said Mayor did, by another deed-poll in writing, admit your petitioner, Confrater of the said Hospitall, To hold to your Petitioner during his life, according to the Statutes and Constitutions of the said Hospitall.

“That your Petitioner did everything in his power, which was necessary and could be done on his part, to qualify himself for and entitle himself to the said office of Confrater upon such nomination and admission, and the said Thomas Alcock did, upon such his appointment and admission as aforesaid, do all in his power, and within the time by the said Charters and Statutes to him given, to put your Petitioner in actual and quiet possession of the said office or place of Confrater of the said Hospitall. But, by

some contrivance between William Stukeley, Clerk, Vicar of All Saints', in Stamford aforesaid, Francis Browne Esq. (who sometimes pretends to be heir to the said William Browne, but is not in fact so), and John Cawdron, Clerk, the present Warden of the said Chappell, and by and under colour of some pretended nomination or act of the said Francis Browne (as pretended heir of the said William Browne), the said William Stukeley, Francis Browne, and John Cawdron have, as is alleged, taken upon them to admitt and putt William Ross in possession of the said office of Confrater of the said Hospitall, who, by force and unjustly, keeps the possession of the same."

"That the said Mayor and Dean of Stamford, as well as your Petitioner, were, upon the said 19th day of December (and within the said fourteen days in which the said right belongs to the said Mayor), refused admission to the Chappell of the said Hospitall, that your Petitioner might there take his admission oath, in the presence of the said Poor of the said Hospitall. And, to prevent their being present, the said Poor were, by or by the influence or means of the said Vicar of All Saints', Warden, and William Ross or some of them, prevented from attending at the administration of such oath, which your Petitioner, on the said 19th of December, duly took in the said Hospitall, as near to the said Chappell as he could upon such your Petitioner's admission, and your Petitioner, by means of the said pretended nomination of the said William Ross, and by the power of the said Warden, is kept out of and refused the possession and exercise of his said office or function, though he hath often applyd and tendered himself to doo and exercise the same.

"Wherefore, and in regard the said Hospitall is of Royal foundation, and the visitational power over the same

belongs, under His Most Gracious Majesty, to your Lordship, your Petitioner humbly prays your Lordship to take his case into consideration, and to order the said William Stukeley, Vicar of All Saints' aforesaid, the said John Cawdron, Warden of the said Hospital, Francis Browne, and William Ross to attend your Lordship, and show cause why they refuse to admitt your Petitioner to have the quiet possession and enjoyment of the said place of Confrater of the said Hospitall. And that the said William Ross may be amoved therefrom, and that your Petitioner may, by your Lordship's order, be put into the actual possession thereof. And that your Petitioner may, by himself and agents, be at liberty to inspect the Charters, Statutes, and Ordinances, Public Books and Papers, nominations, and admissions of and belonging to the said Hospitall, and to take extracts and copys thereof, at his own charge ; and that the same charters, books, and papers may be produced at the hearing of this petition, or that such order may be made, in the premisses for your Petitioner's relief, as to your Lordship, in your great wisdom, shall seem meet."

"And your Petitioner will, as in duty bound, ever pray, &c."

" March 13, 1738.

"Let all parties concerned attend me on the matter of this Petition, the next day of Petitions ; and, in the mean time, let the Petitioner be at liberty, by himself or agents, to inspect the charters, statutes, and public books, and papers belonging to the said Hospitall, and to take copys and extracts of such parts thereof as relate to the matters in question, at his own expense. Hereof, give notice forthwith.

"HARDWICKE, C."

The decision is duly conveyed to Mr. Hurst, with direction to act on it without delay :—

"To Mr. Thomas Hurst, Attorney-at-Law, at Stamford, Lincolnshire.

"LINCOLN'S INN, *March 15, 1738.*

"SIR,

"I send you the Petition answered by Lord Chancellor, which you will get served, to be sure that the other side will pray that it may stand over to the next day of petitions after Easter ; and, as the order is for your liberty to inspect in the mean time, the next day of petitions being 26th March, I would have you apply for to see what books, &c., you want at the Hospitall as soon as may be.

"I am, your most humble Servant,

"J. HOWELL."

Thus instructed, Henry Ridlington now demands opportunity to take copies of certain documents, or any parts thereof :—

"March 20, 1738.

"I, Henry Ridlington, having petitioned the Right Honourable The Lord Chancellor to be admitted Confrater of the Hospitall of William Browne, of Stamford, in the County of Lincoln, of the foundation of James, King of England ; and to inspect the Charters, Statutes, and Ordinances, Public Books, and Papers, Nominations, and Admissions of the said Hospitall, and to take copies and extracts thereof at my own charge. His Lordship, on the 13th of this instant March, on hearing the said Petition, was pleased to order that all parties concerned should attend him on the matter of the said Petition, on the next day of Petitions ; and that the said Petitioner should, in the meantime, be at liberty by himself, or agents, to inspect

the Charters, Statutes, Ordinances, and Public Books, and Papers, belonging to the said Hospitall, and to take copys and extracts of such parts thereof as relate to the matters in question, at his own expense : by virtue of which order, I, the said Henry Ridlington, do this 20th day of March, demand of the Reverend William Stukeley, Vicar of All Saints', the Reverend John Cawdron, Warden of the said Hospitall, and of the Reverend William Ross, that I may, by myself or agents, at my own expense, take Copys and extracts of the several Charters, Statutes, Ordinances, and Public Books, and Papers, hereafter mentioned (that is to say) :—

“ 1. A Copy or Extract of the said William Browne's Will.

“ 2. A Copy of the Licence or Letters Patents of King Richard the 3rd, relating to the said Hospitall.

“ 3. A Copy of the Letters Patents or Charter of King Henry 7th, to Thomas Stokke, relating to the foundation of the said Hospitall.

“ 4. A Copy of the Letters Patents or Charter, dated the 4th of May, the 8th of James the First, for the new founding of the said Hospitall, by the name of the Hospitall of William Browne of Stamford, in the County of Lincoln, of the foundation of James, King of England.

“ 5. Copys of all the Statutes and Ordinances relating to the said Hospitall.

“ 5. Copys and Extracts of Francis Browne Esq.'s pretended nomination and admission of the said William Ross, to be Confrater of the said Hospitall.

“ HENRY RIDLINGTON.”

A formal visit was now made to the Hospital, in order to have the Lord Chancellor's Order carried out.

“*March 20, 1738.*”

“The Dean of Stamford, Mr. Hurst, and I, Henry Ridlington, were at Browne’s Hospital in Stamford, and demanded a copy of the charter of the Foundation of King James the First, which was refused ; but admitted that we might inspect it, and take an extract of such parts of it as related to the matters in question.

“At which time, I also demanded to take Copys of several other Charters, Statutes, and Ordinances, and Publick Books and Papers, relating to the said Hospital. They offered to let us inspect them, and to take extracts of such things as related to the matters in question, but denied me a copy of them.

“I further demanded to have a copy or abstract of Francis Browne’s nomination and admission of William Ross to be Confrater, of the Warden ; who first said they were at Buckden, and afterwards said that he had not them, or did not know where they were, or words to that effect. I then demanded them of Dr. Stukeley, who said he did not think them public papers ; and, being asked if he would let us have copies of them or not, his answer was that he had the Bishop’s admission.

“The said day, in the morning, Thomas Hurst, as agent of the said Henry Ridlington, went to demand, among other writings and Papers, of Mr. Cawdron, a copy or extract of Mr. Browne’s nomination and admission of Mr. Ross, who answered, that Dr. Stukeley had them, as also one of the keys of the chest, and, if he would please walk into the House, he would send for them down ; which accordingly he did, and, when the said Dr. Stukeley came down, Thomas Hurst asked to see them. The Doctor said that he did not look on them as public papers ; and there-upon Thomas Hurst showed him the Petition and Lord

Chancellor's order, upon which he seemed satisfied, and acknowledged that he had the said nomination and admission, but desired time till the afternoon, to consider and advise whether it was proper to let him have copys of them or not. To which the said Thomas Hurst readily consented."

On the following day Mr. Ridlington again applied to the Warden, but his reception was far from encouraging.

"March 21, 1738.

"Waiting upon the Warden about 9 o'clock in the morning, word was carried upstairs by his daughter that I wanted him, and his answer came down that he was indisposed, I should go to Mr. Curtoise. In half-an-hour after I saw the Warden go along the street.

"Waiting upon him again, about 2 o'clock in the afternoon of the same 21st day, I desired the Warden that he would fix an hour when we should come to take copys, and asked wether 3 o'clock would do? He said, 'No, he should be out.'

"I desired him to fix any other time; he said he would not, I might go to Mr. Curtoise. I told him my business was not with Mr. Curtoise but with him, and of him I demanded the charter of King James the First; he answered that it was at Mr. Curtoise's. I then demanded the nomination and admission of Mr. Ross; he answered that it was at Buckden. I then demanded Bishop Fuller's Statutes, that we might take copys of such statutes as related to the matters in question; he answered, that I should go to Mr. Curtoise. I then asked if these were the answers I was to give to the Lord Chancellor? 'Yes, I might give them to Lord Chancellor, for I should have no other.'

"HENRY RIDLINGTON."

To be perfectly in order as to what the instructions of the Lord Chancellor signified, legal advice was sought by the Warden :—

" March 24, 1738."

" SIR,

"I have seen Mr. Benet, and he concurs with me in opinion, that you are not obliged to let him have copys (at their expense) of anything but the copys of such parts of the charters, statutes, ordinances, and public books and papers, belonging to the Hospital, that relate to the present dispute, viz., that of nominating as Confrater; but I think they have a right to see everything you have, in order to see what relates to the matter in question. They can't make any copy themselves, but you must make them such as they direct (if agreeable to your order), and they must pay you for them.

" Sir, your most obedient servant,

" J. BRISTOWE."

The order of the Lord Chancellor was at length strictly observed: Ridlington, or his representative, being supplied with copies of all Statutes, Charters, &c., bearing upon the case. This not being deemed sufficient, a second Petition is presented, asking that certain documents be brought before the Lord Chancellor when the former Petition is considered :—

"That your Petitioner is advised that it is necessary that the said Letters Patents and Statutes should be produced on the hearing of the Petition; and, it being by the said old statutes ordained that the papers and writings of the said Hospital should be kept in a common chest, for which there were always to be three contrary keys, one of which should remain in the custody of the said Vicar of All

Hallowes' for the time being, another in the custody of the Warden, and the third in the custody of one of the 10 Poor men, of the best discretion and moderation. Your Petitioner humbly prays, that the said Chest may be ordered to be opened, and that the said Letters Patent of 4th of May, 8 James i., and also the said Statutes of Oct. 9, 11 Henry vii., and of July 16, 1674, may be produced at the hearing of the matter of the said former Petition, before your Lordship, and your Petitioners shall ever pray, and so forth.

“HENRY RIDLINGTON.”

“*April 14, 1739.*”

“Let the chest be opened as is desired, and let the Letters Patent, and also the Statutes mentioned in the prayer of the Petition be produced at the hearing of the matter of the former Petition. Hereof give notice forthwith.

“HARDWICKE, C.”

At this juncture we perceive a disposition on the part of Ridlington to stay a struggle, which had caused him much worry and no little expense. His letter, without date, evidently written about this time and addressed to Mr. Hurst, tells of such a feeling; and hearing of the Bishop's intention to petition the Lord Chancellor, on maintenance of his visitational powers, may possibly have intensified it. An inclination to suggest difficulties is a sure sign of despondency.

“*To Thomas Hurst, Attorney-at-Law, Stamford.*”

“SIR,

“I have sent by the bearer Mr. Henson's Statutes, and should have been very glad to have brought them myself,

if it could be done with any convenience, and more upon this account. A very good friend of mine has told me, since I saw you, that there is still an Abbot of Crowland, i. e. the King. If you turn to the 31st Statute of Henry 8th, 13 ch., you will find that all rights, &c., and even nominations which belonged to monasteries, abbys, &c., were, by virtue of that statute, vested in the Crown, and therefore the Mayor cannot nominate or admit by himself, but in conjunction with the King.

"I doubt this is an objection we never before thought of, and I am afraid it will prove of some weight. All that I can say further to it is this, to desire you to have Mr. Noel's opinion, and you will excuse my insisting on your writing to him upon the subject by to-morrow's post, which will much oblige.

"Sir, your most obedient and humble servant,

"H. RIDLINGTON.

"I shall be glad of your opinion by a line or two with the bearer."

Mr. Noel, a sound and able lawyer, who was then member for Stamford, chiefly for political, and possibly for legal, reasons, was anxious that the quarrel should cease :—

"Ex parte Ridlington.

"June 1, 1739.

"SIR,

"Mr. Noel seems to be against bringing on this Petition, believing that it may prejudice his interest in the town ; and said he would write to you about dropping of it, and I suppose to Mr. Curtis. So that, until I have your further

order in it, I shall stand still. The day of Petitions is Wednesday fortnight, so that you have time enough to write your resolution.

“I am, your very humble servant,
“J. HOWELL.”

Whatever mistrust there may have been on the part of Mr. Ridlington and his friends, there certainly was none in Mr. Ross and his supporters. Their energy and activity seemed to increase as the struggle drew near to its close. The following letters and legal opinions will show this very fully :—

“To Mr. Curtis, at his house in Stamford, Lincolnshire.

“CLEMENTS’ INN, *June 9, 1739.*

“DEAR BROTHER,

“Soon after I received the favour of yours yesterday, I had a visit from Bristow, who, since your letter to him, has been very diligent, for he came again to me early this morning, and we have been together all the day ; for I would not part with him till I had finished all matters that it is in our power at present to settle. You will perceive, by the enclosed letters from Chancellor Reynolds, that the Bishop objects to the insisting on both rights in the Petition, as inconsistent with each other ; and, upon further consideration, I think the objection is not without its weight. I was with Mr. Reynolds this morning, who told me that he does not doubt but that the Bishop will consent to the Petition, if by it we pray only that we may be heard as to his right of Visiting. We have therefore drawn a fresh Petition, wherein we go upon that right only, which goes down to the Bishop to-night, and, as Mr. Reynolds is gone out of town to-day for the holydays, we were obliged to

write to the Chancellor upon it ourselves, a copy of which letter you likewise receive enclosed ; and, as you will have the whole of this matter before you, I shall only make this observation upon it, that, what the Chancellor says in his postscript is not very intelligible, nor is his brother any more than myself able to see the force of his reasoning. Enclosed you have back the draft of Dr. Stukeley's affidavit, with such alterations as occurred either to Bristow and myself to make, which, however, we entirely submit to your judgment. You have also herewith a copy of the queries we put to Mr. Wood, and his answer to them. I was with him this morning, and had as much talk with him upon the case as the time would give leave ; but I think you have the substance of what he says, at least upon such points as are at present material, in the answer he has given to the queries, and in the observations I have subjoined at the end of them, which I shall not therefore here repeat. He seems to think he may properly enough take advantage of the Bishop's nomination (if occasion be), by verifying that fact by affidavit. I shall by this post send you back the Bishop's nomination, mandate to admit, &c., for we are afraid the episcopal seal does not sufficiently prove them, but that it will be necessary to have an affidavit of their execution ; and we thought that you would be best able to get this done by calling at Bugden on your way to London. Mr. Wood is likewise gone out of town for the holydays, but has given me leave to wait upon him again at his return. He says that he thinks, if the affidavits are fyled by Friday, it will be time enough. Bristow has all the papers, and has promised me to set about the Briefs forthwith. Your good uncle is much out of humour at the Bishop's Petition, but that, you know, is not among the things I regard much ; and really the assistance he has

lent us on this occasion has not been worth one farthing ; for I know not anything he has done but make objections where there was no ground for them. Bristow has so many letters to write to-night that he hopes you will excuse his not writing to you ; as I hope you will me, if, in so long a business, I have omitted anything that is material ; or troubled you with anything that is not so. I have taken what care I could to avoid either, and shall be glad if what I have done proves satisfactory ; as I shall likewise be ready to lend any further assistance in my power, and need not add how heartily I wish success to our cause.

“ I am, dear Brother,

“ Most entirely and affectionately yours,

“ ROBERT CURTIS.

“ Free, W. NOEL.”

The following are the Queries and Answers alluded to in Mr. Curtis's letter :—

“ As the case of Mr. Ross is circumstanced, your opinion is desired, what facts are necessary to be verified by affidavit on the part of Mr. Ross, in order to his defence, and particularly :—

Q. 1. “ Whether it will not be sufficient, in the affidavits to be made in relation to Browne's being the heir of the Founder, to say that they had heard and believe that Browne is the heir of the Founder, giving their reasons ; and that they don't know that there is any issue living of the Daughter of the Founder ?

Ans. “ Considering the affidavit made on the part of Ridlington relating to this matter, I think the Court will expect further proof than hearsay and belief, and therefore I should advise Mr. Ross (if he is able) to make a more particular proof of Mr. Francis Browne's pedigree.

Q. 2. "The original Will or Deed of Foundation, and Stoke's Statutes, which were in Latin, are not to be found ; but there is an English translation of them, which has been time out of mind received and acted under as the original Statutes. Is it necessary to prove this by affidavit ?

Ans. "I think it is necessary to prove this by affidavit.

Q. 3. "By Stoke's Statute the form of the oath to be taken by the Warden and Confrater is set out, and, amongst other things, it is for the performance of these Statutes, and that oath hath ever since been constantly taken. Whether it is necessary to make proof of this by affidavit, it being apprehended that this is an evidence that Stoke's Statutes were considered the only Statutes in force ; and may remove an objection that may be made of a long acquiescence under King James's Charter, which, in the instance of the Abbot of Crowland being added to the Alderman in point of nomination, is varied by that Charter and vested in the Alderman solely ?

Ans. "It would be very proper to have it appear to the Court by affidavit, that Stoke's Statutes were the only Statutes regarded or followed as to this Hospital.

Q. 4. "There has not been any instance where the heirs* of Browne or the Mayor ever nominated, or that it ever devolved on them. Whether it is necessary to prove that fact by affidavit ?

Ans. "It may be proper to show that there never was an

* Ridlington could reply that the Mayor of Stamford appointed Mr. Dodd, Confrater, on 7th June, 1727, and Mr. Wm. Spinckes appointed (by right as heir of Wm. Browne) Cawdron, Warden, on 19th July 1731 ; that the Vicar of All Saints' accepted Wm. Spinckes as the legal representative of Wm. Browne then—the very heir he now repudiates.

instance of the Mayor's nominating a Confrater, or even so much as claiming a right to such nomination.*

Q. 5. "The Bishop of Lincoln, who is our friend, having insisted on his right of nominating by his Petition, as before stated. Whether it is necessary, on the part of Mr. Ross, to prove by affidavit his nomination, &c., by the Bishop, or leave it for the Bishop to do?"

Ans. "The Bishop's nomination of Mr. Ross may be properly proved either by the Bishop or Mr. Ross, but it should be proved by one of them.

Q. 6. "Ridlington was actually nominated by Spinckes as heir of the Founder, and endeavoured to get admitted, but he has not taken any notice of it in his Petitions or Affidavits. Whether we should prove, on the affidavits to be made on the part of Ross, that his opponent dare not rely on Spinckes being the heir of the Founder, and therefore it may be presumed that he is not the heir, but Browne is?"

Ans. "I do not see any necessity to prove this, for Ridlington having relinquished that right, Spinckes being heir-at-law to Browne seems to be out of the question. [*Note.* On talking with Mr. Wood he agreed that it would not be improper to prove this, and therefore it stands inserted on Dr. Stukeley's affidavit.—R. C.]

Q. 7. "Whether anything, or what else, is to be proved by affidavit.

Ans. "What are mentioned above seem to be all the matters necessary to be proved on the part of Ross.

"J. WOOD.

"June 9, 1739."

* Such a course would be worthless in itself, were not facts dead against it. Supposing no lapse from Dean and Vicar of All Saints' had ever taken place, then neither Heir nor Alderman could have appointed or claimed an appointment. Still their *right*, under certain circumstances, would have continued undisturbed.

Memo. "Besides the several points particularly mentioned above, in Mr. Wood's opinion, and those in Dr. Stukeley's affidavit, we apprehend that it will be necessary to have affidavits to the following points :—

"To prove the Deed-poll (appointing Mr. Ross) executed by Mr. Browne, as usual in other cases, and if Mr. Stukeley was a witness to it or saw it executed, to insert a clause to that purpose in his affidavits.

"A separate affidavit of Mr. Ross's admission and institution under the Bishop of Lincoln's nomination to be made use of, if we shall be so advised.

"We are afraid that it will be also necessary to have the Bishop's nomination and other instruments proved, and therefore to get an affidavit of the Bishop's Secretary, or some other person, to prove the execution of those instruments. A further affidavit from the Warden, or some other person, in confirmation of the facts proved by Dr. Stukeley's affidavits.

"If the genealogies now in Mr. Browne's possession do upon the whole make for us, and only give an account of Mr. Francis Browne's lineal pedigree, and it does not appear on the face of them that there is any issue living of the Founder Wm. Browne's daughter ; then to prove whence they are taken and how we came by them.

"But, if the contrary appears by them, I apprehend, by producing them we shall make them conclusive evidence against ourselves ; and for that reason it seems most advisable only to swear to Mr. Browne's pedigree, in the general manner in which it now stands on Dr. Stukeley's affidavits.

"Draft of such affidavit as Bristow thinks will be necessary of the due execution of the Bishop's nomination :—

"A. B. maketh oath that he, this deponent, was by and present and did see the Rt. Rev. Richard, Lord Bishop,

sign and put his name to the severall paper writings now produced to this Deponent, and respectively marked Nos. 1, 2, 3, and dated respectively 24th of December, 1737 ; and did also see the episcopal seal of the said Lord Bishop of Lincoln put to each of them, in the presence of the Lord Bishop of Lincoln ; and this Deponent saith, that the name or title ‘ Ric. Lincoln,’ set and subscribed to each of the set paper writings, is of the proper handwriting of the Bishop of Lincoln.

“The instrument must be indorsed and signed by the Master that swears them, viz. :—

“*Ex parte Ridlington.*—This is the paper writing mentioned and referred to by A. B. in his affidavit, this day sworn before me.

“C. D.”

While these legal arrangements were going on, all activity was exercised to have the Bishop’s Petition duly prepared and presented :—

“*W. Bristowe to Chancellor Reynolds (sent this night).*

“SIX CLERKS’ OFFICE, *June 9, 1739.*

“REV. SIR,

“Your brother was so good as to communicate to me the contents of your letter, relating to the affair in dispute about the Confraternity of Browne’s Hospital. I find, by the observations his Lordship and you were pleased to make, that you seem to think, that the two rights insisted upon in the last Petition sent down are not consistent with each other. I have therefore, by direction of your brother, sent inclosed a draft of a fresh Petition for his Lordship’s perusal ; wherein his Lordship’s visitatorial right only is insisted on. And we, that are concerned for Mr. Ross,

must make such advantages of his Lordship's nomination as counsel shall advise us at the hearing of the Petitions. Mr. Reynolds was pleased to say, that he would write to his Lordship this evening to beg the favour of him to return the Petition to me by the return of the post, for we have no time to lose. Mr. Curtis Junior desires his duty to his Lordship, and service to yourself, and would have wrote but was obliged to go out of town.

"I am, Rev. Sir, your most obedient Servant,

"W. BRISTOWE."

The Petition was prepared, and, two days after Mr. Bristowe's request was made, was duly signed by the Bishop. Having referred to various Charters, and quoted certain Statutes, his Lordship pleads as follows :—

"June 11, 1739.

"That seeing all Bishops of Lincoln, your Petitioner's predecessors, and particularly Bishop Fuller and Bishop Wake, in many instances acted, as visitors of the said Hospitall, and made diverse ordinances and statutes concerning and relating to the said Hospitall; by virtue of which the admission and institution of the said Warden and Confrater are appointed to be by the Bishop of Lincoln, and hath accordingly been so.

"That Jacob Dodd, late Confrater of the said Hospitall died the 11th Nov. 1737, and that the Dean of Stamford and Vicar of All Hallowes' aforesaid did not, within the 14 days to them limited, nominate a fitt person in his stead, Francis Browne, as heir of the Founder, thereupon nominated within fourteen days to him limited, William Ross, Clerk, in the stead of the said Jacob Dodd, who was

thereupon admitted Confrater of the said Hospitall, and hath ever since exercised the said office. But that Thomas Alcock, the Mayor of Stamford, insisting that the said Francis Browne, Esq. was not the right heir of the Founder, and that for the want of a right nomination by the right heir of the Founder, within the time limited to him for that purpose, thought such nomination devolved on him, the said T. Alcock, and that he therefore nominated Henry Ridlington, Clerk, to be Confrater in the room of the said Jacob Dodd.

“That the said Henry Ridlington, thereupon, as your Petitioner has been informed, lately preferred his petition to your Lordship, setting forth (among other things) that he is kept out of the possession and exercise of the said Office of Confrater by severall persons therein named. That the said Hospitall is of Royal Foundation, and that the visitatorial powers over the same belongs, under his Majesty, to your Lordship’s authority, among other things prays, that the said William Ross be removed from the place and office of Confrater, and that the said Ridlington may, by your Lordship’s Orders, be put into the actual possession thereof.

“That your Petitioner is advised, that as well the right of Visitation, as of admission and institution of the Warden and Confrater, under the said Letters Patents and Statutes, is vested in your Petitioner, as Bishop of Lincoln ; and that your Petitioner apprehends that his rights in the said premisses may be prejudiced by some order your Lordship may make on hearing the said Petition, in case your Petitioner had not an opportunity of making out his case before your Lordship. Your Petitioner therefore humbly prays your Lordship, that this Petition may come on to be heard at the same time with the Petition of the

said Ridlington, and that your Petitioner may be heard by his Councill touching his right of visiting the said Hospitall.

"Witness—William Whitworth, Notary Publick.

" R. LINCOLN."

No sooner did Ridlington hear that the Bishop had presented a Petition, claiming that the whole matter rested with him the Bishop as Visitor, and not with the Lord Chancellor, than he concluded, we suppose, that all hope for his case had departed. He felt, we doubt not, that justice was entirely on his side, and all fair-dealing, honest minds will, we think, agree with him ; still, it would be hopeless, he considered, to contend with any chance of success against such powerful opponents—to attempt the experiment would only involve him in ruinous expense.

The following is the latest document relating to this curious, interesting, but sad and indecent trouble. The contents distinctly set forth, that Ridlington gave in under the heavy pressure of costs :—

" To Mr. Hunt, Attorney-at-Law, Stamford.

" June 16, 1739.

" SIR,

" I am very sorry you should think anybody censured your conduct in relation to the Hospital affair. I never did or could do it, for I very well remember, when I waited upon you with Mr. Hopkins, you sent for the Acts of Parliament, and, upon reading the statute of Henry V., was of a different opinion with him ; and I went to Mr. Howell and acquainted him with it, and desired that he would acquaint Mr. Murray with it, and talk with you and take your and his directions whether proper to proceed or not. I concluded he had taken that method, for I heard no more of it

till he sent me word the Petition was answered. He was not so kind to write me your sentiments, or it would have stopt sooner, tho' you told him your opinion when the Petition was deferred. Mr. Ridlington begs the favour of you to make an end of it with Mr. Curtis or Dr. Stukeley, who are in London, upon what terms you think proper ; or put it off as you think best, in hopes of getting costs on Mr. Ridlington's giving it up, or any sum you agree for towards charges. Mr. Trollope and Mr. Blackwell, who saw your letter, are of the same opinion, and I have directed Mr. Hurst to attend you about it."

The writer's name is not given.

All the particulars connected with these years of strife, in which a Bishop and Clergy were so violently engaged—a strife, too, over so comparatively small a matter, will never be known. We shall, therefore, have no means of judging how the actors therein bore themselves ; but two facts, which stand out very prominently, will tend not to increase our respect for Dr. Stukeley or Mr. Noel. We cannot but admire Stukeley's unremitting exertions and tremendous firmness of purpose, but the condemning thought still is dominant, that the claims of Wm. Spinckes, as legal representative of the founder, at first so warmly admitted by the Doctor, were as suddenly and violently repudiated by him when Ridlington, not Ross, was nominated Confrater. As to W. Noel, the representative of the Borough, alas ! how ignobly and how selfishly he suggested the sacrifice of his client, when he feared the advocacy of his cause would, or at least might, render his own position as Member less secure.

In the trial of Ridlington *v.* Ross we have a remarkable proof of the proverb, " Possession is nine points of the Law."

CHAPTER VIII.

THE GREEN STATUTES. STATE OF THE CHARITY AT THE CLOSE OF THE EIGHTEENTH CENTURY.

AFTER the long struggle which Dr. Stukeley so energetically and so unscrupulously carried on in behalf of Mr. Ross, there seems to have been again a season of rest. We know nothing of the doings of the Hospital for the next twenty-nine years; but in 1768 we find the following letter, telling of differences between the Warden and Confrater. The latter complains that the former will not take his fair share of Chapel duty, and urges the Bishop of Lincoln to give definite instructions, so that harmony may be restored.

"To the Rt. Rev. the Bishop of Lincoln, at Buckden.

"STAMFORD, Nov. 5, 1766.

"MY LORD,

"Mr. Hurst informed me last Friday that he had waited upon your Lordship, and that I should soon receive a letter relating to the Chapel duty. I am persuaded that he is the first Warden who ever made an application of this kind. Since he entered upon his office he desired to have our days of reading Prayers settled. My Livings, both of which I serve, be at too great a distance for me to reach home on Sunday nights, at least in the winter, and sometimes my duty obliges me to spend Mondays out.* Upon

* This holding and serving two livings with the Confraternity seems to be entirely opposed to Statute XIX. of Stoke's Statutes; which statute cannot, by the Charter of James I., be altered.

this account I proposed that Mr. Hurst should read Mondays and Tuesdays—on Wednesdays and Saints' Days the Poor have always attended at All Saints' church—and on Thursdays, Fridays, and Saturdays I would do the duty of the Chapel. Mr. Hurst seemed quite satisfied, and said that Mondays and Tuesdays were as convenient to him as any other days. In about a week's time he attacked me with the evidences, that Mr. Foster, when Warden, never read any Prayers, and it was only the Confrater's business. A multitude in the Town can prove that this was never the usage of the Hospital, and, unfortunately for him, his witnesses were then not born. Mrs. Reid from nine or ten years of age attended the Chapel Prayers several years every opportunity. She declares that, where the Confrater read once, the Warden, Mr. Zeaman, did duty ten times or more. No Warden was yet known who disowned his right to take part of the Duty. When Mr. Ross was appointed Warden and I Confrater, Mr. Ross promised to take the chief part of the duty upon himself; but he, failing to do so, to preserve the credit and decency of the House, I have to this day done more duty there than any Confrater before me, or the Statute requires; yet I was far from doing the whole duty, and I hope that your Lordship will not lay more upon me, as my years render me less able to discharge it. Surely, if any indulgence can be asked, the older man has the best claim to it. A year's business of the House may be settled in a very little time, and the Warden is well paid for his trouble, for, including the benefit of the dwelling house with the extraordinary allowances, the Warden's profits are more than double to mine, nor am I without some sort of trouble in the Hospital, besides the Chapel duty. I, therefore, humbly pray that your Lordship will recommend it to Mr. Hurst to act according to our

agreement, for I should think myself unpardonable, was I to entail an additional duty and confinement upon future Confraters. I would with pleasure resign my office was I able to do it, but I've engaged to educate in the University the younger son of Mr. Reid, whose merits your Lordship has long known, and whose family is large; and, I doubt not, but my friendly design will find your Lordship's approbation.

"I am, with due deference,

"Your Lordship's most obedient servant,

"WM. GALE.

"Mr. Reid has desired me to present his respects to your Lordship."

What answer was returned to the Confrater's appeal is not known, but not long after (the date is not given) we find the following Petition presented:—

"To the Rt. Rev. the Lord Bishop of Lincoln.

"We, the Warden, Confrater, and Poor of William Browne's Hospital in Stamford, of the foundation of King James the First, Michael Tyson, Clerk, Dean of Stamford, Thomas Wilberfoss, Clerk, Vicar of All Saints', in Stamford aforesaid, being convinced by experience that the Statutes of the said Hospital (notwithstanding the alterations and amendments which, from time to time, have been made in them by your Lordship's predecessors) are incompetent and insufficient for the good and orderly government of it, and for the management, improvement, and security of its revenues; And being very desirous that the said Hospital should be so regulated for the future, and established upon

such plain, wholesome, and practicable Statutes and Laws, that it may not only avoid the several inconveniences and great losses which it has suffered in times past, but may prosper and flourish in our time and for ever, Do most humbly beseech and pray your Lordship, according to the powers granted to the Lord Bishop of Lincoln for the time being, by the Charter of King James the First, You would be pleased to revise and examine the Statutes of the said Hospital, and to alter and abolish such of them as may be found inconvenient to the Laws of the Land, And also to make and constitute such new Statutes and Ordinances for the orderly government of the said Hospital, and the security of its Revenues and interests, according to the powers of the aforesaid Royal Charter, as to your Lordship may be expedient or necessary.

“M. TYSON.

“J. WILBERFOSS.

“THOMAS HURST.

“WM. GALE.”

It does not appear that any formal visitation was held and evidence taken; indeed the Petition simply seeks a revision * of the Statutes, which we learn from the following was readily accorded :—

* On an old Paper, worn and torn, I find as follows (without date), evidently relating to the “application” alluded to by the Bishop, and the alteration of the Statutes :—

“We have examined both these copys of the Statutes, and find them to be word for word the same with that Draught of them which your Lordship left with us when in St. Martin’s, as witness our names.

“M. TYSON, Dean of Stamford.

“THO. WILBERFOSS, Vicar of All Saints’.

“We have left two or three blank leaves before the Statutes, on a supposition that your Lordship might think proper, either to order

“LONDON, *December 22, 1768.*

“Upon application made to me by the Dean of Stamford, the Vicar of All Saints, with the Warden and Confrater of Browne’s Hospital, that it might be proper to revise their Statutes, I have, agreeably to their request, revised and made some alteration in them, such as a change of circumstances and of exigency of the Times seemed to require. I do, therefore, appoint this body of Statutes, as now altered and amended, to be the rules under which the several members of the Hospital are to act, and by which they are to be governed.

“JOHN LINCOLN.”

The Green Statutes of December 22nd, 1768, are very like Fuller’s Statutes of July 16th, 1674. The chief alterations are as follows:—

“*Statute 14.* Instead of Prayers daily at 7 a.m. and 4 p.m. only Mattins shall be said, at 8 a.m. in the summer and 9 a.m. in the winter.

“*Statute 18.* All goods and chattels, bought for the use of the House, to be entered by the Warden in the Inventory, in the presence of the Vicar of All Saints’, so that the property of the Charity may be duly protected.

“*Statute 19.* That, should the Warden neglect to hold an Audit and pass his accounts within the time appointed, he shall forfeit half-a-year’s salary, or so much of it as the Bishop of Lincoln shall direct.

“*Statute 20.* The amount, on which the Warden or Con-

our Petition delivered at Buckden to be inserted as the reason for altering and amending them, or some other introduction, which you better approve of. Something of this kind seems to have been done by your Lordship’s Predecessors, in all the preceding alterations and corrections of the Statutes.”

frater 'can live commodiously,' to be at all times interpreted by the Bishop of Lincoln.

"*Statute 26.* The Steward to be duly paid for work done, but, if he neglect the business of the House, practise extortion, use abusive language, or show improper and disrespectful behaviour to the members of the Almshouse, and when reproved continue so to do, he shall be put out or displaced from the office of Steward and all its profits, and another fit person be immediately chosen in his stead.

"*Statute 31.* The Warden can give leave of absence for a night to the Confrater and 12 Poor, but he himself must obtain leave from the Vicar of All Saints'.

"*Statute 33.* The Statutes to be read once instead of four times yearly, near the day of the annual commemoration."

The Bishop concludes with instructions as to the use to be made of "mulcts and penalties":—

"Lastly, I decree and ordain that all the pecuniary mulcts and penalties, arising from the execution of these Statutes and not otherwise disposed of by them, shall be received and kept by themselves in the common chest of the aforesaid Almshouse, to be laid out and disposed of, from time to time, as there shall be occasion, in the relief or assistance of such poor persons belonging to the said House as shall be sick, according to the discretion of the Warden and Confrater for the time being.

"I give my consent to the above Statutes.

"FRED. CANT.*

"JOHN LINCOLN, *Visitor.*"

Mr. Hurst, we are told on the highest authority,† was a thorough man of business, and, as Warden, delicately careful of the property of the Hospital; and certainly his

* Son of Lord Cornwallis.

† See Harrod, 1765.

proceedings, with respect to the exchange of a house in Stamford * for lands lying near to the Hospital Estate, imply a close and discerning attention to the interests of the Charity.

The proposal is thus set forth :—

“Cornwall Tathwell has a lease from Browne’s Hospital of a House in Stamford for 21 years, dated 1763, at 2*l.* 10*s.* a year, reserved rent, and a fine of six pounds.

“The Offices of the said House, consisting of a Stable, Brewhouse, Wood place, and Chambers over them, together with the yard, garden, and other conveniences, are the freehold estate of the said Cornwall Tathwell, and a back yard adjoining to the same has been rented several years at 1*l.* 10*s.* a year.

“All the premises above mentioned have never been let for more than 14*l.* a year.

“The said House has been built above four score years, consists at present chiefly of its original materials, and, many years after it was built in its present form, was let by the said Hospital on a lease for forty years, at a reserved rent of one pound a year.

“An able, experienced, and disinterested calculator, on being consulted, gave it under his hand as his opinion, that the interest of the said Hospital in the said House, when seven years of the twenty-one are expired, is equivalent to an estate in land of the clear yearly value of four pounds ten shillings.

“The said Cornwall Tathwell purposes to convey to the said Hospital the fee simple of a freehold estate, in land of the value of ten pounds a year, in exchange for the House aforesaid, which landed estate shall lie near lands already

* This house is now No. 1, Broad Street, the property and in the occupation of Henry Michelson, Esq.

in possession of the said Hospital; and to pay all the expences of such an exchange, on being allowed to receive what a lease of such a landed estate for twenty years will sell for."

With the offer thus set forth, the next step was to apply to the Bishop of Lincoln for a commission to make the necessary estimates :—

" STAMFORD, *Sept.* 24, 1770.

" MY LORD,

" Dr. Tathwell proposes two closes of Pasture in Sewstern, lying near an estate of Browne's Hospital, containing by estimation together nine acres, and now let at the yearly rent of ten pounds two shillings and six pence, in exchange for his house in Stamford. If your Lordship approves of such an exchange, you will be so good to issue a Commission to examine into the value of the said premises, as soon as is convenient to your Lordship.

" If your Lordship should be unprovided of any proper persons to act as Commissioners on this occasion, we beg leave to mention the following Gentlemen in the neighbourhood, as likely to understand the matter in question, and to give your Lordship a true information of them :— Daniel Douglas Esq., of Falkingham ; George Lucas Esq., of St. Martin's, Stamford Baron ; The Rev. Daniel Downe, Rector of Post Witham.

" Your Lordship's most dutyfull

" and obedient humble Servants,

" M. TYSON, *Dean of Stamford.*

" THO. WILBERFOSS, *Vicar of all Saints.*

" T. HURST, *Warden.*

" ED. EDWARDS, *Confrater.*

" CORNEWALL TATHWELL."

The proposed valuers are accepted and the Bishop issues the Commission:—

"John, by divine permission, Bishop of Lincoln, to our beloved in Christ, Daniel Douglas of Falkingham, in the County of Lincoln Esq.; George Lucas of Stamford Baron, in the County of Northampton Esq.; and Daniel Downe, Clerk, Rector of Post Witham, in the said County of Lincoln, greeting.

Whereas, we have lately been requested by the Rev. Michael Tyson, Dean of Stamford, Thomas Wilberfoss, Clerk, Vicar of All Saints', Stamford, Thomas Hurst, Clerk, Warden, and Edward Edwards, Clerk, Confrater of Browne's Hospital, in Stamford, and Cornewall Tathwell of Stamford aforesaid, Doctor of Physick, to issue our Commission of Enquiry relative to an exchange intended to be made between them, the said Michael Tyson, Thomas Wilberfoss, Thomas Hurst, and Edward Edwards, on behalf of the said Hospital, of a Messuage or Tenement in Stamford aforesaid, part of the possessions of the said Hospital, in which the said Cornewall Tathwell now lives, for two closes of pasture, belonging to the said Cornewall Tathwell, lying in Buckminster and Sewstern or one of them, in the County of Leicester, containing together by estimation nine acres, and now in the occupation of Leonard Stanger, of Sewstern aforesaid, Tanner, at the yearly rent of 10*l.* 2*s.* 6*d.* We, therefore, the said John Bishop of Lincoln, do hereby constitute and appoint you the said Daniel Douglas, George Lucas, and Daniel Downe, our Commissioners in this behalf; desiring you to enquire into the propriety of the Exchange proposed, and, after due examination of the premises, to report to us under your hands of what Tenure and yearly value the Estates intended to be exchanged are, together with such

other information as you may judge it expedient for us to know ; and lastly, whether in your consciences you believe the carrying the same into execution will be of advantage to the said Hospital, and how much.

“ Given under our Seal, which in this behalf we use, this seventeenth Day of November, in the year of our Lord one thousand seven hundred and seventy, and of our consecration the ninth. (seal)

“ JOHN LINCOLN.”

The Commissioners lost no time, for within less than a month they presented their report :—

“ To the Rt. Revd. the Lord Bishop of Lincoln.

“ We, the undersigned, Commissioners appointed by your Lordship to enquire into the value of two freehold closes in Sewstern, in the County of Leicester, belonging to Dr. Tathwell, and proposed to be exchanged for a house in Stamford, in the County of Lincoln, let upon lease by Mr. William Browne’s Hospital to the said Dr. Tathwell ; having viewed and enquired into the circumstances, situation, and tenure of the said Closes and House, do hereby certify to your Lordship that the two said closes are freehold, and, in our opinion, of the yearly value of Ten Pounds ; and we are of opinion, that the carrying into execution the exchange proposed will be very greatly to the advantage of the said Hospital, as well by the advance of Rent and Fine as by the said Hospital’s being possessed of a much better conditioned Estate.

“ Given under our hands, this eighteenth day of December, in the year of our Lord one thousand and seven hundred and seventy.

“ DANIEL DOUGLAS.

“ GEO. LUCAS.

“ DANIEL DOWNE, *Rector of Post Witham.*”

The authorities of the Hospital wisely required, as an act of self-protection, to have the Statute for the exchange of lands quoted in the deed. Dr. Tathwell applies to the Bishop for such quotation, implying that notice of the Statute would also be acceptable to him :—

"STAMFORD, *Jan.* 19, 1771.

"SIR,

"The gentlemen belonging to Browne's Hospital are desirous to have a recital of the Statute inserted in the deed, next the names of the contracting parties, in the following terms : 'Whereas the Statutes of the said Hospital are confirmed and established according to the directions of a Charter of the 8th of King James I., And, whereas, by the Statute of the Exchange of Lands it is ordained that it may not be lawfull for the aforesaid Warden and Contractors, nor their successors anyways to forego, release, chop, change, or mortgage the Lands, Tenements, Meadows, Mills, with all or any of their appurtenances now had or hereafter to be had, or any part or parcel of them, or any ways to alienate them or hereafter to convert them to other uses than above named (except it shall be by way of exchange, which shall turn to the very great profit of the said House), and yet that never, without the consent of the Bishop of Lincoln, Dean of Stamford, and the Vicar of All Saints'.

"Please to lay this clause, with my humble respects, before my Lord Bishop, and do me the favour to let me know by a line, whether it is so happy to meet his Lordship's approbation.

"I beg, Sir, you will likewise be so good to let me know what stay his Lordship is likely to make in Town, that I

may know where to apply to his Lordship, when the Deed has been engrossed and executed by the Hospital.

“ I am, Sir, your most faithful and obedient Servt.,

“ C. TATHWELL.”

The Deed of Exchange, dated 8th of February, 1771, was confirmed by the Bishop of Lincoln, Dean of Stamford, and by the Vicar of All Saints', Stamford. The lands obtained by this exchange have by their return proved to this day that the bargain, according to the Report of the Commissioners, was “greatly to the advantage of the said Hospital.”

The discipline of the Hospital, judging from proceedings fully recorded, was as well cared for as its property. In the month of August, 1778, the Dean of Stamford and the Vicar of All Saints' laid the case of Samuel Portwood before the Bishop of Lincoln, suggesting that the offender should be expelled from the House. We shall find the trial conducted with both fairness and firmness.

“ To the Rt. Revd. the Lord Bishop of Lincoln.”

“ A complaint having been made to us by the Warden, Confrater, and Poor of Mr. Browne's Hospital, in Stamford, that Samuel Portwood, one of the Poor Men of the Hospital, had behaved himself extremely ill, by being frequently drunk and abusive, to the scandal and infamy of the said House and the offence of his Brethren ; and he, having been several times admonished by us, and still continuing incorrigible, being, at a Meeting at the said Hospital, convicted before us of such Drunkenness and ill-Behaviour, it appeared to us that, by the Statutes of the said House, he deserves and ought to be expelled from the Hospital and all the benefits thereof ; we have therefore

thought it proper to lay the case before your Lordship, as Visitor of the said Hospital, for your Lordship's final determination

"THOS. WILBERFOSS, *Vicar*.

"M. TYSON, *Dean*."

That full justice might be done to the person accused, the Bishop issues a commission to inquire into the conduct of Samuel Portwood, and to report the evidence in writing to his Lordship :—

"John, by divine permission, Bishop of Lincoln, Visitor of the Hospital or Almshouse commonly called Browne's Hospital, in Stamford, in the County of Lincoln. To our beloved in Christ Michael Tyson, Clerk, Dean of Stamford, and Thomas Wilberfoss, Clerk, Vicar of All Saints', in Stamford, Greeting. Whereas, Samuel Portwood, one of the Poor men of the said Hospital, stands accused of drunkenness and other ill behaviour, whereby much disturbance has been given, and much infamy brought upon the said Hospital. These are, therefore, to commission and empower you, jointly and severally, to cite or cause the said Samuel Portwood to be cited to appear before you or either of you, in the Hall of the said Hospital, on the 28th day of this instant September, and then and there to inquire into the truth of the said charge, and to report the same to us in writing annexed to this Commission ; that, in case he should appear to us to be guilty of the said crimes, we may inflict such punishment upon him, as the Statutes of the said Hospital in such case direct.

"Given under our seal (which in this behalf we use) this twenty-second day of September, in the year of our Lord, one thousand seven hundred and seventy-eight, and of our consecration the seventeenth."

The citation was duly made :—

“SAMUEL PORTWOOD,

“Whereas, we have received a Commission under the hand and seal of John, by divine permission, Bishop of Lincoln, Visitor of the Hospital or Almshouse commonly called Browne’s Hospital, in Stamford, in the County of Lincoln, to us directed ; to cite you to appear before us, or either of us, in the Hall of the said Hospital, on the 28th day of this instant September, to inquire into the truth of a charge against you, the said Samuel Portwood, who stand accused of drunkenness, and other ill behaviour, whereby much disturbance has been given, and much infamy brought upon the said Hospital. These are therefore, by virtue of the said Commission, to cite and require you personally to be and appear before us in the Hall of the said Hospital, on the said 28th day of this instant September, by ten o’clock o’clock in the forenoon, when and where we shall enquire into the truth of the said charge, and report the same to the said Bishop of Lincoln, that, in case you shall appear guilty of the said Crimes, such punishment may be inflicted upon you, as the Statutes of the said Hospital in such case direct.

“Given under our hands, this 24th day of September, 1778.

“W. TYSON, *Dean* (seal).

“THOMAS WILBERFOSS, *Vicar* (seal).”

“Depositions of witnesses examined on the 28th day of September, in the year of our Lord 1778, in the Hall of the Hospital or Almshouse, commonly called Browne’s Hospital, in Stamford, in the County of Lincoln, by virtue of a Commission under the hand and seal of John, by divine permission, Bishop of Lincoln, Visitor of the said Hospital, to us Michael Tyson, Clerk, Dean of Stamford, and Thomas Wilberfoss, Clerk, Vicar of all Saints’, in Stamford, directed ;

for enquiring into the truth of a charge against Samuel Portwood, one of the Poor Men of the said Hospital, who stands accused of drunkenness, and other ill behaviour, whereby much disturbance has been given, and much infamy brought upon the said Hospital. At which time and place were present, the said Michael Tyson, and Thomas Wilberfoss, and Thomas Hurst, Clerk, Warden of the said Hospital, Edward Edwards, Clerk, Confrater; the said Samuel Portwood and the rest of the Poor of the said Hospital."

The said Samuel Portwood, having been served with a citation, the said Michael Tyson, and Thomas Wilberfoss, proceeded in the execution of the commission, hereunto annexed, as follows:—

"Thomas Hurst, Warden of the said Hospital, being examined concerning the above accusation, declares as follows:—

"That the said Samuel Portwood, to the best of the remembrance and belief of the said Thomas Hurst, was drunk or otherwise disordered in liquor on 12 different days, between the 24th of December, 1776, and 16th of July, 1778; and also lay out of the Hospital two nights, for which he was severally mulct; and that the said Samuel Portwood, notwithstanding such punishment, appeared to this Declarant drunk or otherwise disordered in liquor on or about the 6th and 7th days of this instant September, for which two last offences he has not yet been punished.

"THOMAS HURST, *Warden*.

"The said Edward Edwards, Clerk, Confrater, having perused the above declaration of the said Warden, believes the same to be true.

"ED. EDWARDS, *Confrater*."

"Elizabeth Richman and Mary Herring, two of the twelve Poor of the said Hospital, being severally examined concerning the said accusation, declare as follows : That, to the best of their remembrance and belief, the said Samuel Portwood hath been oftentimes drunk or otherwise disordered in liquor, and hath frequently behaved himself ill and been quarrelsome ; and, at one time in particular, very abusive to the said Mary Herring, and, at different times, to other of the Poor of the said Hospital.

"MARY HERRING.

"The mark of × ELIZABETH RICHMAN.

"William Elkins, Edward Lanford, Joseph Jackson, Samuel Sanders, Peter Essam, John Toon, Richard Scholey, Edward Elkins, and William Wigmore, being severally examined concerning the above accusation, declare as follows : That the said Samuel Portwood hath frequently been drunk or fuddled, or otherwise disordered in liquor, which was very disagreeable to these declarants. And that the said Samuel Portwood appeared to be drunk or disordered with liquor on Sunday the 6th day of this instant September, at the Parish Church of All Saints, both in the forenoon and afternoon of the same day, during the time of Divine Service.

"WILLIAM ELKIN.*

"The mark of × JOHN

"EDWARD LANFORD.

TOON.

"The mark of × JOSEPH

"RICHARD SCHOLEY.

JACKSON.

"The mark of × EDWARD

"SAMUEL SANDER.

ELKINS.

"The mark of × PETER

"WILLIAM WIGMORE."

ESSAM.

* It is worthy of notice that six of the twelve poor sign their names, showing clearly that, as a body, they were from a grade higher than that of labourers or artisans.

“‘The said Samuel Portwood, having heard the above evidence, and being sensible of the justness of the accusation against him, and fully acknowledging the truth thereof, submits himself to the mercy of the Visitor of the said Hospital, humbly hoping for forgiveness of his past offences; and promises to become a new man, and to behave and demean himself faithfully and honestly according to the true intent and meaning of the Statutes of the Hospital; if he may continue one of the poor thereof, and not be expelled from thence, which he acknowledges himself deserving of, as having been guilty of many offences contrary to the said Statutes of the said Hospital.

‘SAMUEL PORTWOOD.’

“The above evidence and confession was made the day and year above written, By virtue of the Commission hereunto annexed. Before us,

“M. TYSON, *Dean*.

“THO. WILBERFOSS, *Vicar*.”

After, we may be sure, a careful consideration of the evidence and all the circumstances of the case, the Visitor delivered the sentence of deprivation. It must have been a painful duty, but, as a warning to others and justice to the quiet, well-behaved Brothers and Sisters, the expulsion of Portwood was a necessity, which could not have been honestly neglected.

“I, by divine permission, Bishop of Lincoln, and Visitor of the Hospital or Almshouse, commonly called Browne’s Hospital, To all Christian people to whom these presents shall come, or in anywise concern, Greeting. Whereas Samuel Portwood, one of the Poor Men of the said Hospital, has been accused of drunkenness and other ill-behaviour,

whereby much disturbance has been given, and much infamy brought upon the said Hospital, and has been frequently admonished, and several times punished, without any good effect or appearance of amendment, And whereas the said Samuel Portwood has been duly cited to appear before Michael Tyson, Clerk, Dean of Stamford, and Thomas Wilberfoss, Clerk, Vicar of All Saints' in Stamford, Commissioners by us specially appointed, to answer to the said charge; and has been fully and clearly convicted before them of the said crimes and other violations of the said Statutes, by the testimony of the Warden, Confrater, and Poor of the said Hospital, Do by these presents remove and expel the said Samuel Portwood from the Hospital aforesaid, and do deprive him of all profit and interest in the same; and do Decree, that another fit person be chosen into his place, according to the Statute of Elections. And we do hereby give full power and authority to the said Michael Tyson and Thomas Wilberfoss, or either of them, to read and pronounce this our Sentence and Decree to the said Samuel Portwood, in the Hall of the said Hospital, before the Warden, Confrater, and all the Poor thereof; And do require them to elect a fit person into the vacant place, Also to give notice to all persons concerned in the election of the Poor of the said Hospital.

"Given under our seal (which in this behalf we use), this 3rd day of October, in the year of our Lord 1778, and of our consecration the 7th.

"JOHN LINCOLN." (Seal.)

Mr. Hurst was, as we have already seen, a Warden, who looked carefully after the Poor and their noble Home. The following memorandum tells well for his sense of justice:—

"Basil Farrar died Feb. 27, 1780, aged 67, and was succeeded by Joseph Pinder, of Swafield, aged 68, by choice of the Vicar, on the 1st of March. He had been tenant to the House 47 years, and was put in by desire of Mr. Hurst, Warden."

He is also very favourably mentioned in 1765, by Harrod, who, in his *History*, gives us a few interesting facts about the Hospital, and its condition at the close of the eighteenth century :—

"When the late Warden, Mr. Hurst, was appointed, the House was in debt 150*l.*; but in a few years, by his prudent and upright management, it has now 900*l.* in the Stocks, though 500*l.* were laid out on the premises. The pay per week to each poor person, which was only 2*s.* 6*d.*, was also advanced to 4*s.*"

"The Chapel was also greatly beautified and fitted up in an elegant manner. The frame of the Communion Table, and the Altar Rails, are considered curious pieces of furniture. The Warden's, Confrater's, and Poor's Lodgings, were all new glazed with crown glass, the Cloisters stuccoed, and a new ceiling made under the Audit Room, and under all the lower part of the House, and the Poor's room, making them much warmer.

"The Audit Room, which is spacious, is much ornamented, and has two new partition walls put into it. The estate at North Wytham is enclosed, which, in a few years, will render it double its value.

"Prayers are read every morning, in summer at eight o'clock, and in winter at nine o'clock, as directed by the last Statutes. An Apothecary attends the poor by the year, and, if necessary, a Physician or Surgeon is called in.

"It is, in short, one of the best conducted charities in England, and, should the present gentlemen continue their

care, of which I have not the least doubt, they will be able to extend their relief to those who envy the situation of the poorest of its inhabitants."

In 1785, Mr. Hurst, to the great loss of the Hospital, was presented to the Vicarage of All Saints', with the Rectory of St. Peter's. He, who had proved himself so valuable a head of the Hospital, two years after his retirement from the Wardenship, showed his love for the charity by giving 50*l.* Consols, the interest of which he directed to be divided annually amongst the twelve poor inmates, who receive such income at the present time.

Mr. Edwards succeeded him as Warden, and the Rev. Christopher Cookson became Confrater. As we know nothing to the contrary there is every reason to believe that the affairs of the Hospital were conducted wisely to the close of the century.

Before we pass from it, however, we must notice one incident which tells of ancient property of the Hospital, and its destruction by the levelling hand of Time. In 1790, the Trustees of the Stamford and Wansford Turnpike Road granted a Mortgage upon the Tolls of that road to the Hospital, as the consideration for the purchase by them from the Hospital of two dilapidated houses, and the soil upon which they stood, situated in Red Lion Square, for the widening of the turnpike road. These were the houses conveyed to John Browne, the Founder's father, in 1409 (11 Hen. IV.), "which shops were Robert Browne's, of Willesthorpe, a Capellan, he having purchased them of Robert Griffenhale, 44 Edw. III."

During the 18th century there were only four Wardens and four Confraters.

The following Prayer, used daily, pleaded, we may be sure, not in vain, at a time when ancient charities

were not seldom subject to serious peculations and sharp quarrels.

“O Lord God, the Resurrection and the Life of all that believe in Thee ; who art to be praised as well in the dead as in the living ; we give Thee hearty thanks for our Founder, William Browne, Thomas Stoke, King James the First, and all other our Benefactors, by whose gifts we are here nourished to piety and godliness ; Affect our hearts, we beseech Thee, with a deep sense of this Thy goodness towards us ; And mercifully grant that, always being exercised in good works, And not cherishing sin with the bread of idleness, we may use Thy liberality to Thy glory, and walk worthy of such great benefits, in sobriety of life, and in brotherly love and Christian charity one towards another ; That so, we, rightly using these Thy mercies to Thy honour and glory, may, together with all Thy faithful servants, be brought to the immortal glory of the Resurrection, through Jesus Christ our Lord. Amen.”

CHAPTER IX.

BISHOP TOMLINE AND HIS POWER AS VISITOR.
THE KAYE STATUTES.

A CAREFUL examination of the Statutes laid down by Thomas Stoke, and confirmed by the charter of James I. makes it perfectly clear that:—

All the lands and houses belonging to the Hospital, together with the revenues and profits arising therefrom, were given by the Founder to the Warden, Confrater, and Poor of the said Hospital; and, by the charter of King James, all the manors, lands, tenements, hereditaments, &c., belonging to the Hospital are granted to the Warden, Confrater, and Poor, to hold to them and their successors for ever; to the sole and proper use and behoofe of the Warden, Confrater, and Poor, and their successors for ever. So that, if any part of the revenue should be applied to other persons, or devoted to other purposes than for the maintenance and relief of the members of the Hospital, it would be contrary to the intention of the Founder and the express words of the Royal Charter.

The Charter further expressly restrains the Bishop of Lincoln, with the consent of the Archbishop of Canterbury, from making any Statutes contrary to Stoke's Statutes; except in so far as the said ancient Statutes are repugnant to the laws of the land, so that whatsoever Statutes are made ought to be conformable to the Charter, and to the

ancient Statutes, as far as they are consistent with the laws of the land.

The Bishop of Lincoln or the Archbishop of Canterbury are not by the Charter appointed Visitors of the Hospital. The power thereby given them is only for a particular purpose—to revise the ancient Statutes, and to make new ones for the more regular celebration of Divine Service in the Hospital, and the government and direction of the Warden, Confrater, and Poor.

Few, however, took any trouble to protect the rights of the Hospital. Appeals from time to time were made to the Bishop of Lincoln to act as Visitor, and so, by degrees, rules were laid down and alterations made by him, which in a court of law could not have been maintained for a moment. On the whole, however, no great harm was done. When the Bishop did interfere he was invited to do so by those who were supposed to be specially interested in the well-being of the Charity; and, as a rule, his Lordship firmly supported the Warden and Confrater when he could justly do so, and only restrained them when a sense of duty compelled him.

No doubt, many a time and oft, the Warden and Confrater must have felt the smallness of their stipends, and towards the close of the 18th and commencement of the 19th century, an age of much jobbing and disgraceful pluralism, that feeling became intense; and then it was that the Warden became strongly impressed with the idea that he, having charge of the revenues and profits arising therefrom, had a perfect right to increase his own salary, and that of the Confrater, so long as at the same time he neglected not the Poor under his care.

Moved by that conviction, the Revd. Chr. Cookson,

Warden, sought legal advice in the matter, submitting to an eminent lawyer the following questions :—

“ 1. Is the expenditure of the Hospital solely in the Warden’s direction ?

“ 2. Will the repeated applications made to the Bishop of Lincoln, as to the stipends of the Warden and Confrater, constitute any right whatever on his part to control in this the Warden’s expenditure ?

“ 3. Will any, and also what consequences may be expected to follow the Warden acting on his own responsibility, subject to his annual account, in disposing of the revenues ?

“ 4. Can any alteration be made by the Visitor in the constitution of the Hospital, as in the number of Poor, or otherwise ? ”

The answers of Mr. Holt were, we may suppose, far from satisfactory to the hopeful Warden :—

“ 12, PAPER BUILDINGS, TEMPLE,
1st July, 1817.

“ *Quere* 1. *Ans.*—The Statutes and Charters fully invest the Warden with the expenditure of the Revenue, agreeably to the letter or spirit of the Statutes, subject to his annual account before the Vicar of All Saints’, or his Deputy, the Confrater, and two of the most discreet Poor men ; subject, moreover, to the Visitatorial power of the Bishop of Lincoln, in case of any misapplication of the goods or moneys in manifest breach of the Statutes. But where any surplus revenues arise, which cannot be wholly applied under the letter of the existing Statutes, I am of opinion that the Bishop of Lincoln has not, in the character of a Visitor, a discretion to direct how they shall be applied, excluding the interference of a Court of Equity to prescribe the application of such revenues, upon its exposition of the trust arising under the existing Statutes. Yet,

if the Bishop of Lincoln and Archbishop of Canterbury should concur in making a Statute, declaring in what proportion the Revenues shall be applied to the repair of the edifice, and for the support and stipends of the Warden, Confrater, and twelve poor persons, the Courts of Equity could not, I think, controul the principle of such Statute.

"*Quere 2. Ans.*—I do not think the repeated application for the Bishop's sanction gave him a sole and exclusive jurisdiction on the subject.

"*Quere 3. Ans.*—I cannot discover any consequence to be apprehended, should the Warden (disregarding former precedents as to reference to the Bishop as Visitor upon this point) dispose of the revenues on his own responsibility at the Audit. Except that his distribution of the funds may be revised by a Court of Equity, upon information filed against him in the regular way. But if he shall commit a manifest breach of the Statutes, by applying the revenues or the goods to any purposes decidedly foreign to those of the existing charity, I think that, in a clear and flagrant case, the Bishop of Lincoln might remove him."

"*Quere 4. Ans.*—I am decidedly of opinion, that no change can be effected in the Constitution of the Hospital, as to the number of members or person to be supported, or as to the Warden's present control of the revenues, by any authority short of that of an Act of Parliament, or, that the Visitor alone can alter or amend the Statutes in any respect. But the Visitor and Archbishop together may together alter or amend the Statutes, give (confining themselves within the body, and to the radical purposes of the Charity) a new direction for the application of the revenues to the present Hospital, and to the persons to be supported thereout; declaring the proportions for each purpose. Such directions made, under the authority and

with these restrictions, the Warden would, in his application of the revenues, be bound to observe and obey ; And any appeal by him to any other jurisdiction against the operation of such Statute would be contrary to his oath ; unless the new Statute, by letting in new and different objects of charity, and carrying the revenues out of the body, or otherwise appointing unequal proportions of the surplus revenue, should extend to the subversion of the very principles and constitution of the Charity, as regulated by the existing Statutes.

“ F. L. HOLT.”

It is possible, indeed highly probable, that the Bishop of Lincoln had heard from Mr. Lucas, Vicar of All Saints', Stamford, that the Warden was considering, how far it was in his power to increase the stipends of the Warden and Confrater ; and, as an act of policy and justice, determined himself to act in the matter. The following letter, very discreetly drawn up, quite supports such a view ; as we can hardly suppose that the Bishop would have directed an extra expenditure at this particular moment, unless urged thereto by pressing circumstances.

“ REV SIR,

“ BUCKDEN PALACE, *Dec.* 17, 1817.

“ I trouble you with this letter for the purpose of desiring, that the salary of the Warden of Browne's Hospital may be raised to 150*l* a year, and that of the Confrater to 120*l* a year, to take place from Michaelmas last.

“ In the correspondence I have had with you and Mr. Cookson on the subject of this Hospital, both of you have thrown out insinuations, that the poor people are not always so regular in their conduct as might be wished. The principle upon which the meat allowance is made appears to me extremely good ; and it has occurred to me, that it might be attended with a useful effect, if small

premiums in money or otherwise were given, at certain intervals yearly or half-yearly, to two or three of the poor people, who shall have behaved best in the preceding period. I wish that you, and the Warden, and Confrater, would consider this point and favour me with your sentiments.

"In the last 25 years the salaries of the Warden and Confrater have been almost quintupled; and though I am aware of the danger of giving the poor people too much, yet I am anxious that they should have some improvement in their income, if it could be done with safety and propriety; as their comforts seem to have been the first object of the Founder.

"I am, &c. &c.,

"Rev. Mr. LUCAS."

"G. LINCOLN.

The Bishop's letter was shown to Mr. Cookson, the Warden, who was evidently by no means satisfied with the salaries authorised by his Lordship. There was still a lingering hope that to the Warden, and to the Warden alone, should be left the administration of the Hospital funds—in other words, the Warden wanted no authority from the Bishop to do what he himself could do, on the authority of the Statutes and Charters of the Charity.

This conviction, a very mistaken one, led to a somewhat sharp correspondence, in which the Bishop has in every way the advantage; his Lordship writing with dignity and firmness, the Warden with more shrewdness than honesty.

"MY LORD,

"STAMFORD, *Dec.* 26, 1817.

"As there has existed between your Lordship and ourselves, a difference of opinion on certain points respecting the Statutes of our Hospital, and your Lordship, in a letter bearing date December 11, 1816, has been pleased to say, that you had no wish to exercise the powers vested in you,

we laid the matter before Counsel, selecting one held in no idle price by men of his own profession. To his judgment we submitted not a Statute or two, but the whole body of them, together with a copy of the Charter; and, after bestowing upon them much consideration, he sent us his opinion, the substance of which I transmitted to your Lordship from Lincoln in September last. On receiving your Lordship's reply, I enclosed a copy of my communication, anxious to know whether what I had written to your Lordship was a faithful epitome of what he had written to me. At that time he happened to be at Brighton, from whence he wrote to me, saying that, as far as his recollection served him, it was so; but, that he should shortly return to Town, and that, as it was a matter of some moment, he would reconsider his papers, and give me the result; and, accordingly, soon after informed me, that he was fully satisfied that the opinion he had given was perfectly correct.

"Neither Mr. Sanders nor myself feel ourselves in circumstances to slight the advantages we had thus repeatedly been assured we were entitled to; but, instead of going to the utmost, our intention is to leave the Fines wholly untouched, reserving them for an accumulation fund for the support of the fabric and other exigencies.

"I can most safely and conscientiously say, that the Poor have had the first place in my consideration, and that not an idea of any addition to our salaries was entertained, till we saw their comforts completed and secured. And in whatever mode these can still be heightened, without injury to the good order and peace of the Society, we are fully disposed to concur and co-operate with your Lordship.

"I am, my Lord, your Lordship's,

"Most obedient and very humble Servant,

"CHR. COOKSON."

This somewhat defiant letter, ending in almost patronizing language, received a prompt and very appropriate reply.

"GREAT GEORGE STREET, *Dec.* 29, 1817.

"REV. SIR,

"I really do not understand the letter I received from you this morning. I am doubtful whether you and Mr. Saunders mean to consider me as having no power to appoint your stipends, or to prevent your taking any proportion of the income of the Hospital you please. If that be your principle and intention, I desire you to say so, and it will then be for me to consider how I am to act. Hitherto, you have acknowledged my authority by repeated applications.

"It is, I believe, an invariable rule in all matters of business not to trust to any reported account of a Counsel's opinion, and, when nothing but what was fair and honourable was intended, I never knew a party refuse to show the case and opinion. You, however, have declined even to mention the name of the Counsel.

"On the one hand, I have not the slightest desire to interfere with any right or emolument which may belong to you and Mr. Saunders ; and if you can prove to me, on proper authority, that I have no concern in the business in question, you will neither of you be ever troubled by me ; but, on the other hand, as I know the Bishops of Lincoln have always exercised authority respecting Browne's Hospital, and I have myself done so more than once at your own desire, I consider myself in duty bound to require some high and respectable opinion to be laid before me, to justify my acquiescence in the very material change which seems to be desired by you and Mr. Saunders.

"I presume you have seen the letter I wrote about a fortnight ago to Mr. Lucas.

"I am, Rev. Sir, your obedient Servant,

"G. LINCOLN.

"You will direct to Buckden."

Nothing daunted, the Warden implies that both he and his friends consider that, in the distribution of the revenue of the Hospital, he can act safely by himself.

"STAMFORD, *Dec.* 30, 1817.

"MY LORD,

"When a man is put upon his defence he is often driven to the necessity of making use of arguments and expressions which he would otherwise avoid, and if in what follows we commit a like offence, I entreat your Lordship to admit of this preliminary excuse, and not impute it to a want of respect in a sense of duty.

"When Mr. Saunders and myself saw all the purposes of the Founder accomplished and a surplus so great, we had formed to ourselves a much larger increase of salary than your Lordship, even on our second application, was pleased to name. I wished to reason with your Lordship on the business, but you closed against me the door of discussion. I then consulted with my friends, and they recommended taking Counsel's opinion, and with their advice I comply'd.

"To have sent that opinion, in the first instance, appeared to me by no means so respectful, as to make known that such had been taken and state the substance. But that your Lordship's letter subsequently received did not encourage me to send it, I have to urge, in support of my own sentiments and those of the friends, to whom I showed it. But now that I have permission to do it, I enclose it to your Lordship, without a moment's delay ; and so far am I

from wishing to encroach upon your Lordship's authority, or throw it off, that I shall be glad, even in cases where I can proceed safely of myself, to have the pleasure and satisfaction to think, that I have your Lordship's approbation. I am aware that it is a very easy thing to say this, but I gave your Lordship a positive proof that thus it was my desire to act, when I laid before your Lordship the arrangements and alterations which I had made in the House, since my appointment to the Wardenship; adding, that if there was anything that your Lordship would either have altered or added, and would specify what or how, it should be shaped to your mind.

“I am your Lordship's

“Most obedient and very humble Servant,

“CHR. COOKSON.

“P.S.—Mr. Lucas communicated to me the letter he had from your Lordship, and my last letter was in consequence.”

The Bishop evidently views the Warden's explanation evasive, and disrespectful, and therefore feels that he is called upon to speak very plainly and very decidedly. He informs the Warden, that any use of moneys by him, save for authorised purposes, will be at once visited with loss of his office.

“BUCKDEN PALACE, *Jan.* 5, 1818.

“REV. SIR,

“The intention which you and Mr. Saunders have formed to divide between yourselves the surplus Revenue of Browne's Hospital appears to me most extraordinary indeed; and I cannot but think that you yourselves have some misgiving with respect to the propriety of such

a proceeding, as you do not venture distinctly, to state what your intention is.

"Your first query is this—'Is the expenditure of the Revenue of the Hospital solely at the Warden's discretion?' Mr. Holt's answer by no means authorizes you to take one penny beyond your stipend. The question and the answer are confined to '*expenditure*,' and the putting any part of the surplus into your own pocket would be embezzling rather than expending. There is not a word in the Charter, or in the Statutes, which gives the Warden any discretionary power relative to his own stipend; but, on the other hand, the 26th Statute specifies the stipends of the Warden and Confrater, which have been repeatedly augmented by the authority of the Visitor, and consequently, your taking more than those stipends would be 'in manifest breach of the Statute.' Observe what Mr. Holt says, that even the Courts of Equity could not controul the principle of any Statute made by the Bishop of Lincoln, with the concurrence of the Archbishop of Canterbury. The Bishop of Lincoln and the Archbishop have unquestionably absolute authority as to the disposal of the revenues to the members of the present establishment; and the Warden and Confrater have no right to any pecuniary emolument, but what is expressly assigned to them. Upon this principle all former Visitors, Wardens, and Confraters, have uniformly acted. The increase in the stipends of the Warden and Confrater, nearly in the proportion of 5 to 1 in the last 25 years, precludes all just ground of complaint on their part.

"Mr. Holt, in his answer to the third query, states that the distribution of the funds at the Audit by the Warden, upon his own responsibility, would be subject to the revisal of a Court of Equity; and that, in the case of a

manifest breach of the Statutes, ‘the Bishop of Lincoln might remove him.’ I therefore desire distinctly to apprise you, that, if you take more than your appointed stipend, I shall immediately remove you by virtue of the 8th Statute ; and shall apply to the Court of Chancery to compel you to refund whatever you have taken. You will observe that the 3th Statute authorizes me to remove you for being ‘perjured in not observing any one of the Statutes,’ and I repeat, that taking more than your stipend would be a breach of the 25th Statute. If Mr. Saunders takes more than his stipend I shall consider him as guilty of the same offence, and proceed against him in the same manner.

“I am aware that the 19th Statute gives you ‘the administration of all rents, &c.’ ; but can you believe that the framer of that Statute meant, that you should have the power to take a part of those rents to your own private use ; especially as in the 26th Statute he appoints you a specific stipend, and in the 20th Statute directs that all the overplus shall be deposited in the Common Chest ? And how is it possible for you to imagine that you do not violate this 20th Statute if, instead of depositing the surplus in the Common Chest, you appropriate it to yourself and the Confrater ? This would be so decisive a ground for your removal, that I am confident no Court of Equity would interfere with the authority of a Visitor, thus enforcing the plain, literal, and grammatical meaning of the Statutes, which both Warden and Confrater have sworn to observe.

“I wish you and Mr. Saunders would carefully read the oath you took upon your admission to your respective offices, and recollect what the Statutes were (and still are) when you took that oath. I am really desirous that you

should both be convinced of the impropriety of your attempt, and reflect seriously on the consequences of your perseverance in it. I should consider myself as betraying my trust if I did not act in the manner I have mentioned. At the same time I sincerely hope that I shall not be called upon to do so. I could say much more upon the subject, but it appears to me so perfectly clear, even by Mr. Holt's opinion, that you cannot support your claim, that I forbear. I will only add that I give you a fortnight to consider the subject, and if you do not in that time relinquish your claims, I shall revoke what I last wrote to Mr. Lucas, relative to an augmentation of your stipend and the Confrater's.

"I am, Revd. Sir, yr. obedient Servant,

"G. LINCOLN."

"BUCKDEN PALACE, *Jan.* 6, 1818.

"The Bishop of Lincoln retained the enclosed for the purpose of having it copied, and takes this opportunity of informing Mr. Cookson and Mr. Saunders, that he does not intend to grant them Licences of non-residence till he receives an answer to his Letter of yesterday."

The Warden, impressed by the Bishop's clear and emphatic reasoning, accepts his Lordship's decision ; and so a serious disagreement was stayed and harmony restored :—

"STAMFORD, *Jan.* 8, 1818.

"MY LORD,

"I expressly disavowed in my last letter any wish to encroach upon your Lordship's authority, or to throw it off ; and if the steps I have taken be supposed to originate in any such intention, I am, I do assure you, wronged by the supposition.

“Mr. Holt’s opinion led me to conceive that the revenue might be wholly expended by the Warden in the maintenance of the fabric, the allowances and the expenses appertaining to the Poor, and the stipends of himself and the Confrater, in the allowed exercise of his ordinary functions.

“I am desirous of your Lordship’s approbation, and wish only for what is right. You will do me the justice, I hope to believe that I am sincere in this expression, and in the assurance that though, in the present instance, my judgment may have been erroneous, my conduct has not been intentionally culpable.

“We express our sorrow and regret at what has passed, and relinquish every ground of claim, unsupported by yr. Lordship’s authority, and the stipend assigned in your Lordship’s letter to Mr. Lucas we most willingly accept.

“I am, my Lord,

“Yr. Lordship’s most obedt. Servant,

“CHR. COOKSON.

“P.S.—I do most solemnly assure your Lordship that the above letter was framed prior to the receipt of your Lordship’s of the 6th, and fully meant to have been sent. It will, therefore, acquit me of anything contumacious.”

The Bishop accepts the Warden’s assurance in a brief, kind, and cautious letter :—

“BUCKDEN PALACE, *Jan.* 10, 1818.

“REVD. SIR,

“I can with great truth assure you that the letter, which I received from you yesterday, gave me great satisfaction. I now wish to call your attention to my letter to Mr. Lucas, of the 7th of last month, and I also wish that, prior to the next Audit, you would send me a rough statement of the

Receipt and Expenditure in the preceding year, and, of course, of the balance in hand.

“I am, Revd. Sir, yr. obedt. Servant,

“G. LINCOLN.”

The following Memorandum was found with the Bishop's letters. It was, we doubt not, forwarded by the Bishop to the Warden, in support of his Lordship's powers as Visitor, and to show clearly how far the Warden's administration extended :—

“The Warden swears to observe all the Statutes, &c., which Statutes, revised by Bishop Green, direct only a certain stipend to the Warden, &c. He also swears that he will not admit any other Statutes, &c., *vide* the words of the oath.

“*Statute* 8.—A spender, swearer, or waster, or consumer of the Goods, &c., may be removed.

“*Statute* 19.—The Warden to have the administration of all the rents and goods.

“*Statute* 20.—Directs all surplus to be put into the common chest, &c.

“*Statute* 21.—Warden may be removed after obtaining preferments.

“*Statute* 26.—Stipends of Warden and Confrater.”

In 1827 Bishop Tomline died, and was succeeded by Dr. Kaye, in whom the Warden and Confrater found a Visitor more ready to meet their wishes and carry out their plans ; indeed, they received a generous treatment, which, we are bound to say, was dangerously liberal—unguarded, as it was, by some prudent limit. A petition, the exact wording of which is not known, was presented to the Bishop, asking him to revise the Statutes, on the ground that they were not fitted for the circumstances of the 19th century.

We shall find that the alterations suggested related principally to money, and especially as regarded increasing the stipends of the Warden and Confrater, and allowances to the Poor. His Lordship, when issuing the revised code, makes the following statement :—

"A Petition having been submitted to me by the Revd. Henry Kaye Bonney, D.D., Dean of Stamford,* the Revd. Christopher Cookson, M.A., Warden of Browne's Hospital, in the Town of Stamford, and the Revd. Charles Sanders, M.A., Confrater of the said Hospital ; wherein the Petitioners state that, in consequence of the change of circumstances, they are no longer able to carry into execution the Statutes appointed for the government of the said Hospital by John, Lord Bishop of Lincoln, with the consent of Frederick, Lord Archbishop of Canterbury, in the year 1768 ; and therefore pray that the said Statutes may be revised and adapted to present times and circumstances, I have thought fit to comply with the prayer of their petition, and have made the following alterations in the said Statutes, declaring at the same time that, subject to these alterations, the said Statutes shall remain in full force :—

"1. The Vicar of All Saints', as Auditor, to receive five Guineas per ann. instead of five marks, as directed by the Founder :—

"2. The Poor to enjoy an income of 8*l.* per ann., instead of 4*l.*, without contributing to the Common Chest.

"3. All monies to be received and kept by the Warden, instead of being put into the Common Chest, due security being given.

"4. Each Poor person to have 5*s.* a week, and 1*s.* more if he purchased 3 lbs. of meat (good). One suit of clothes ; one hat ; 3 shirts ; 3 pairs of stockings, and 2 pairs of

* The Vicar of All Saints' was then out of England.

shoes, to be given annually to each of the men, and to the women in like proportion.

“5. A sum of 300*l.* to be set apart for exigencies, and to remain in the hands of the Warden, and, after deducting these and all other necessary charges and expenses, the residue or balance to be divided between the Warden and Confrater in proportion of 24*l.* to 20*l.*

“6. It was directed that the Warden and Confrater should each have a different set of keys of the outer gates ; and, in case of incapacity of the Warden or Confrater, the Dean and Vicar shall appoint a Chaplain to do the duties required.”

There was now promise of a long period of repose. The Officers and Poor were well cared for, general content prevailed, the estates of the Charity were daily improving in value, and the accounts were carefully kept and regularly audited. “Man proposes, but God disposes.” Not seldom a delightful calm precedes the heaviest storm. Within ten years Browne’s Hospital was in the hands of the Charity Commissioners, to undergo changes, and endure violences, and fight battles, in the impartial consideration of which we shall conclude the Story of a Hospital nobly founded, and in its long career of Christian love highly blessed.

CHAPTER X.

APPEAL TO THE BISHOP OF LINCOLN. THE BISHOP'S
REPLY. APPLICATION TO THE COURT OF CHANCERY.
NEW SCHEME FOR MANAGEMENT OF THE HOSPITAL.

ALL seems to have gone on peacefully with the Charity as soon as the dispute with respect to the salaries of the Warden and Confrater was settled. The final concession made by Bishop Kaye allowed those officers to share, in the proportion of six to five, whatever sum remained after due payment of expenses ordinary and extraordinary. The arrangement, while seemingly in order, was just neither to the Hospital nor to its spiritual guides. Greatly increased value of the estates would give them an income far too large; while, on the other hand, any severe and unexpected call upon the treasury of the Hospital would leave them scarcely any stipend at all. It is satisfactory, however, to know that, when the Charity Commissioners sent in their Report to the Government, June 30, 1837, the finances of Browne's Hospital were in a flourishing condition. The incomes of the Warden and Confrater had averaged during seven years 396*l.* and 330*l.*—a liberal but not excessive payment to clergy cut off from all advancement in their profession. The following extract from the Report shows that the management was throughout in accordance with

the Statutes, and the poor well cared for, comfortable, and contented :—

“ Each man has a separate bed-room, and the women one between them. There is also an Infirmary for such as are ill.

“ The Chaplain or Confrater reads prayers daily in the Chapel at the appointed times.

“ The 12 poor regularly receive the clothing specified in the Statutes, viz., a hat, a suit of clothes, three shirts, three pairs of stockings, and two pairs of shoes (each of the women clothes in proportion) ; 5 shillings every six weeks for their common washing, and as much coal as is necessary for their common fire. They also receive 5 shillings weekly, and an extra shilling if they have purchased in the course of the week 3 lbs. of meat ; and 2*s.* 6*d.* yearly in respect of Hurst’s gift ; and 1*s.* by way of a Christmas box, besides the perquisite of 1*s.* from the tenant on every renewal of a lease.

“ The two women perform the ordinary duties of house-keepers and nurses to the men.

“ The qualifications of both men and women, as specified in the Statutes, are strictly attended to ; as also are the modes of appointing, punishing, and removing them. The Warden has the ordinary superintendence, but the Dean and Vicar of All Saints’ are called in, in certain cases, where punishment is required.

“ None, however, can be actually expelled without the authority of the Bishop of Lincoln.

“ The present Warden, the Rev. Christopher Cookson, M.A., was appointed in 1808, and the Confrater, the Rev. Charles Saunders, M.A., in the same year. They perform scrupulously the various duties prescribed by the Statutes.

In addition to their salaries, which vary according to the surplus of the year, they receive the following fixed annual payments:—

| | | | Fire Money. | Court Fees. | Audit Money. |
|-----------|----|----|-------------|-------------|--------------|
| Warden | .. | .. | £4 4 0 | £3 3 0 | £5 5 0 |
| Confrater | .. | .. | £3 3 0 | £1 11 6 | |

"The Dean of Stamford and the Vicar of All Saints', either themselves, or by deputies approved by the Bishop of Lincoln, exercise the various privileges assigned to them. The latter, as chief auditor, receives a regular salary of 5*l.* 5*s.*; and they are allowed a guinea apiece on every renewal of a lease.

"The Warden holds his court for the manor of Swayfield and part of that of North Witham, for attending which the Steward of the Charity receives an annual allowance of 3*l.* 3*s.*, and the Warden and Confrater their fees as above given. There are some slight additional expenses incidental to these courts, which last year amounted to 5*l.* 3*s.* 7*d.*

"The Warden keeps the accounts, which are audited every year in the audit-hall of the Hospital, within a month after Michaelmas, by the Vicar of All Saints' or his Deputy, the Confrater, and two of the most respectable of the Poor; the Warden and the Vicar receiving 5*l.* 5*s.* apiece for their attendance, and each of the two poor men 1*l.* 1*s.* After satisfying all the demands of the Charity, the surplus is divided between the Warden and Confrater, in the proportions specified by the Statutes.

"The sum of 300*l.*, as directed by the Statutes, is always kept in hand, for the regular observance of which direction the Warden, on his appointment, gives a bond to the Bishop of Lincoln.

"The following sums represent the receipts and dis-

bursements of the Charity, from October 1835 to October 1836 :—

| RECEIPTS. | | | | DISBURSEMENTS. | | | |
|---------------------------|--------------|----------|------------|--------------------------|--------------|----------|----------|
| | £ | s. | d. | | £ | s. | d. |
| Rents | 617 | 17 | 8 | Unvarying Expenses .. | 226 | 2 | 3 |
| Fines | 389 | 19 | 0 | Varying .. | 138 | 9 | 8 |
| Sales of Wood and Bark | 119 | 13 | 0 | Rates | 27 | 11 | 0½ |
| Dividends on Stock .. | 147 | 0 | 0 | Extraordinary Expenses | 34 | 12 | 10 |
| Interest on Taylor's Note | 1 | 12 | 0 | Balance | 849 | 5 | 10½ |
| | <u>£1276</u> | <u>1</u> | <u>8</u> | | <u>£1276</u> | <u>1</u> | <u>8</u> |
| Largest surplus, 1835-36— | | | | Lowest surplus, 1832-33— | | | |
| For the Warden .. | 463 | 4 | 0 | For the Warden .. | 283 | 13 | 0 |
| „ „ Confrater .. | 386 | 1 | 10½ | „ „ Confrater .. | 236 | 7 | 6 |
| | <u>£849</u> | <u>5</u> | <u>10½</u> | | <u>£520</u> | <u>0</u> | <u>6</u> |

Average in 7 years: Warden .. £396 5s. 6¾d.; Confrater .. £330 4s. 7½d.

The wording of the Report implies, generally, that the Commissioners were well satisfied with the state of Browne's Hospital. They considered the administration of its affairs to be, on the whole, one of marked prudence. And, certainly it reflects great credit on the chief officers of the House, that, after their rule of nearly 30 years, the Charity was found doing its work so well.

The weak point, the Commissioners, with much justice, held, was the system on which lands were let. Their reasoning is clear and sound :—

“It will appear from the rental, that the system of letting adopted is by leases for 21 years, renewable every seven ; or by leases of 99 years, determinable on three lives. Upon the renewal of every lease, or addition of a life, the premises are inspected by a surveyor, employed by the Warden, who is paid in proportion to his trouble. It will also be perceived, by a reference to the 29th Statute, that the rent reserved in each lease is to be fixed at one-fourth of the full yearly

value of the estate. Now the whole reserved rents amount, on the average of the last seven years, to 394*l.* 12*s.* 1½*d.*, making the present rental of the charity 982*l.* 2*s.* 9½*d.*, whereas, it is estimated, that the full yearly value of the lands would be 2350*l.* 2*s.* 8*d.*; and though all the various outgoings are to be deducted from this latter sum, yet the residue would be sufficiently disproportionate to the actual receipts to prove the very disadvantageous nature of the present system of letting. The expenses of a renewal to the tenant are 7*l.* 13*s.* 10*d.*, of which 2*l.* 16*s.* 6*d.* goes in payment of stamp duties and fees to the Hospital, and 4*l.* 17*s.* 4*d.* to the Steward for drawing and registering the lease. The expenses of a licence to assign 4*l.* 13*s.* 8*d.*, 2*l.* 15*s.* going in stamps and fees, and 1*l.* 18*s.* 8*d.* to the Steward. The whole expense incurred by tenants during the last seven years, in respect of renewals, has been 616*l.* 18*s.* 4*d.*, and in respect of licences 115*l.* 2*s.* 8*d.*"

On the death of the Rev. Christopher Cookson in 1844, the Rev. Henry De Foe Baker was appointed Warden. He quite agreed with the Charity Commissioners with respect to the system on which lands were let, and at once made it known that he would not be a party to the renewal of any of the existing leases of the Hospital estates upon payment of a fine; but that he should refuse to renew any lease, in order that the Charity might have the full benefit of the rack rental of its estates. Mr. De Foe Baker died in the following year, and was succeeded by the Rev. Charles Nevinson.

The working of the Charity Commissioners' Acts was necessarily slow, and painfully so to some of the more thoughtful inhabitants of Stamford, who had, for nearly nine years, been anxiously expecting a change in the management of Browne's Hospital. Tired by a long and

wearying delay, four of the leading burgesses determined to appeal to the Bishop of Lincoln, and submitted the following carefully drawn-up statement for his Lordship's consideration :—

“ To the Right Reverend the Lord Bishop of Lincoln, D.D.

“ STAMFORD, April 3rd, 1846.

“ The Charter of King James, dated May 4, 1610, is the Charter of the Bedehouse. It confirms in the strongest manner the Statutes of the Founder, Thomas Stoke, except only such as be contrary to the laws of the realm ; and gives to the Bishop of Lincoln power to examine, from time to time, the Statutes of the foundation, to expunge so many and such only of them as, and as far as, the same may be contrary to law ; and, with the consent of the Archbishop of Canterbury, to make and constitute such others as may appear salutary *as well concerning the Divine Service daily to be celebrated in honour of God in the aforesaid Hospital, as concerning the government and direction of the Warden, Confrater, and Poor ;** provided, nevertheless, the said Statutes, so to be made, shall not be repugnant or derogatory to the ancient Statutes of the Founder or the laws of the Realm.

“ A limited power is here given to the Bishop of Lincoln. The only doubt which can arise is as to the extent of it, and to resolve this, recourse must be had to the Statute,† and to the terms of the Charter. The words above underlined seem to limit it to the regulation of Divine Service, and the discipline of the House ; and, although the internal management of a Charity may be the exclusive subject of

* Blore, p. 173.

† Stephens' *Ecclesiastical Statutes*, p. 473, notes.

visitatorial jurisdiction, yet any misapplication of the revenue will be controlled by the Court of Chancery.

"For special purposes, the Bishop of Lincoln is unquestionably Visitor; but, as his name does not occur in any other part of the Charter than in the extract above referred to, except to confirm to him the right of filling up vacancies in default of other electors, there seems to be a want of such express delegation of powers, as would constitute a visitor for general purposes. See case* of Ravensworth Hospital, in which the Court of King's Bench held that the appointment of Visitor could not be implied.

"If there be particular Statutes, they are the rules by which the Visitor is bound; and, if he act contrary to, or exceed them, he acts without jurisdiction, and consequently his decrees will be invalid.† Assuming, then, the Bishop of Lincoln to be the Visitor of the Bedehouse, the question which suggests itself is, 'Have successive Bishops of Lincoln, in the exercise of the visitatorial power, always adhered to the Founder's Will, and the Charter of King James?'

"The first recorded visitation was made in 1668 by Bishop Fuller, who appears somewhat to have mistaken his powers there set forth, and assumed them more extensive than are conceded by the Charter; and in the Statutes themselves, as well as in some of later date, will be found several material deviations from those of Thomas Stoke.

"In the general government of the Almshouse and its property, considerable changes have been made. By the original Statutes, the Dean of Stamford and the Vicar of

* Petersdorf's *Common Law Reports*, vol. xv., p. 338, and Stephens' *Ecclesiastical Statutes*, p. 501, note.

† Stephens' *Ecclesiastical Statutes*, p. 475, note; Petersdorf's *Common Law Reports*, vol. xv., p. 338, note.

All Saints' were appointed (after the decease of William Elmes) sole Governors of the Almshouse, its estates, and inmates ; and their power over the officers and objects of the Charity was supreme, subject only to the Statutes of the Founder ; and in these Statutes the name of the Bishop of Lincoln occurs once only, viz., in Statute 5. The Charter, by confirming these ancient Statutes, absolutely and unreservedly, confirmed to the Dean and the Vicar all the powers and trusts committed to them by the Founder, and further secured them by the provision, that no part of any of these old Statutes should be annulled, except only such as should be contrary to law, &c.

"A comparison of the present Statutes with those of 1494, will show, on some important points, a considerable departure from the Founder's Will ; and a careful consideration of the alterations from time to time made, will show a gradual extension of the powers of the Bishop, and a corresponding diminution of those of the Dean and Vicar ; and that to an extent which seems repugnant and derogatory to the ancient Statutes, and therefore contrary to the intent and meaning of the Charter.

"It is to be observed, also, that the powers thus gradually assumed are, in some respects, rather those of a Governor than a Visitor. The powers of a Visitor being absolute and final, his duties are to receive appeals, determine controversies,* &c., but, by various alterations of the Statutes of the House, duties have been assigned to the Bishop which appear incompatible with the higher functions of the Visitor. Thus, in Statute 3, 'Of the Oath of the Warden and Confrater' ; Statute 4, 'Of the Oath of the Poor' ; and Statute 32, 'Of Exchange of Lands,' he appears rather as a Coadjutor and Joint Governor with the Dean and Vicar.

* Stephens' *Ecclesiastical Statutes*, p. 475, note. † Ibid., p. 475.

“An Act of Parliament has hitherto been deemed requisite for the *increase of the salaries of the officers of a Charity, and of the pensions of the object of it beyond the amount fixed by the Founder's Will.*” But in 1668 Bishop Fuller, preserving nearly the proportions of the old Statute, undertook, on his own authority, to increase the several stipends and allowances of the Warden, Confrater, and Poor, about fourfold; directing that the Warden should have annually 24*l.*, the Confrater 20*l.*, the Poor 2*s.* 4*d.* per week each, and the auditor 3*l.* 6*s.* 8*d.* as originally. In 1768, Bishop Green added 8*d.* to the weekly allowance to the Poor. Some slight additions were afterwards made to their pay. In 1785 they received 4*s.* per week each, and in 1822 they were in receipt of 5*s.* per week each, and a suit of clothes yearly. The stipends of the Warden and Confrater were also from time to time augmented; and in the present century by Bishop Tomline and Bishop Pelham, but apparently without any fixed principle.

“During all this time the balance, whatever it was, had from time to time been funded, and a sum of 4900*l.* had accumulated in the 3 per Cent. Consols, when, in 1828, the Statutes of ‘the Audit’ and of ‘the Stipends and allowances of the Warden, Confrater, and Poor’ were wholly annulled, and, in lieu thereof, it was ordained that, after payment of an increased allowance to the Poor and all the necessary charges of the House, the overplus or residue, except a sum of 300*l.*, to be reserved by the Warden for exigencies, should be annually shared by the Warden and Confrater, in the proportion of 24*l.* to 20*l.* The result of this is shown by the Report* of the Charity Commissioners made in 1837, since which time the income of the Hospital has been greatly improved.

* *Charity Commissioners' Report*, part 4, p. 300.

“The questions here suggested are, ‘Can the Visitor or the Auditor on his own authority distribute a larger sum than is directed by the Founder’s Will?’

“‘Has the Visitor or the Auditor any power over the residue; and can they so far depart from the instructions of the Founder as to distribute, on their own authority, the balance, which by his Statutes is directed to be kept for the future wants and uses of the House?’ In the case of Sir J. Morden’s College, it will be seen by the Reports, Attorney-General *v.* Lubbock,* that the Trustees of the Charity did not assume the power of increasing the stipends of the officers or the allowances of the pensions as fixed by the Founder’s Will; though it was considered inadequate to a comfortable maintenance, and the funds of the Charity were most ample. And the Lord Chancellor himself, on application to the Court some time prior to 1771, as well as on occasion of the more recent application in 1832, declined to exercise any such power without the authority of Parliament; and directed an application to the Legislature for an Act to give him the necessary powers to make the required alterations. If it be competent for the Visitor and Auditor to distribute the balance, can they depart from the relative proportions assigned by the Founder to each recipient of his bounty?

“If these questions can be answered in the affirmative, it will then remain to be considered, whether it is desirable, or indeed right, that so ample and so munificent a foundation should be confined to so narrow a sphere. The duties of the Warden and Confrater have, since the Reformation, been very much abridged, while the resources of the Hospital have increased beyond the most sanguine expectations. Already they exceed such reasonable demands as can be

* Cooper’s *Reports*, 1837 to 1838, pp. 15 to 41.

made on them for the present officers and inmates, and an augmentation is certain.

"It is therefore necessary to consider how to dispose of the surplus, and in what way the Charity can best be extended in the truly good and Christian spirit of the munificent and pious Founder of the House.

"It is unnecessary further to particularize Statutes. A careful perusal of the whole of them cannot fail to lead to the conviction, that powers have often been exercised, for which it would be difficult to find a warrant. The present Statutes are imperfect, and some of doubtful authority; and there does not appear to be either hope or chance of a satisfactory arrangement of the Hospital, without the intervention of the Court of Chancery and the aid of Parliament.

"The undersigned respectfully submit to the Bishop of Lincoln the above remarks upon the past and present state of Browne's Hospital. At a Conference with the Auditor, the Warden, and Steward of the Hospital it was agreed to send your Lordship a copy of the old Statutes, an extract from the Charter of King James, and such additional new Statutes as have from time to time been made. The abstract will perhaps assist in the perusal and comparison of them. A copy of the Report of the case of Morden College, and an abstract of the Charity Commissioners' Report are also sent.

"We were gratified to learn, that your Lordship had expressed a willingness to receive any suggestions or observations we might desire to offer; and we have availed ourselves of the permission to state our doubts as to the past and present regulations of the Hospital, and our hopes for the future extension of the Charity.

"We are also pleased to find that the general feeling of parties interested is in favour of some alteration; and it is

our earnest hope that we may all concur in the adoption of measures necessary to meet the ends of charity, to satisfy the just expectations of the public, and to carry out, as far as is practicable, the objects designed by the Founder ; and likewise to place the foundation on such a basis as may provide against future as well as present difficulties.

(Signed) "EDWARD BARBER,
 "WILLIAM HOPKINSON,
 "RICHARD THOMPSON,
 "WILLIAM THOMPSON.

"Forwarded by the Auditor, the Rev. N. Walters."

To this urgent and able appeal, every word of which had been carefully weighed, the Bishop returns an equally able answer. His Lordship defends with firmness the conduct of his predecessors in their visitatorial doings ; and, with a dignity becoming his high office, encourages an application to the Court of Chancery, in order that a fitting scheme may be obtained for the future management of the Hospital.

"To the Reverend N. Walters, All Saints', Stamford.

"RISEHOLM, LINCOLN, *April 8, 1846.*

"MY DEAR SIR,

"I beg leave to acknowledge the receipt of your note of the 3rd inst., and of the accompanying documents.

"The object of the statement, signed by the four gentlemen who have placed those documents in your hands, is to show, that Bishop Fuller, when he revised the Statutes of Browne's Hospital in 1668, exceeded the powers conferred upon him in the Charter of James I. ; and that all the Bishops of Lincoln, who have followed the precedent which he set them, have been guilty of a like error.

“Whether the Charter of James I. constitutes the Bishop of Lincoln Visitor for general purposes is a point which I am not competent to determine. He is not so constituted in express terms, but Stephens says (page 473, note), ‘Whether a person, appointed by the Statutes of a Founder to take cognizance of certain particular things, be a general Visitor, without general words giving him that authority, depends on the nature of those particular things, and the terms in which the jurisdiction over them is given’; and a larger power is given to the Bishop of Lincoln in King James’s Charter than to the Visitor of many Colleges in the two Universities, viz., that of abolishing and making Statutes. Still the question is, ‘Did Bishop Fuller, in exercising the power expressly conferred upon him of making Statutes, go beyond the limits prescribed in the Charter?’

“The Framers of the statement understand the power of making Statutes *concerning the government and direction of the Warden, Confrater and Poor*, to be limited to the discipline of the House. Bishop Fuller, on the contrary, and those of his successors who have revised the Statutes, have interpreted the words *government and direction* in a wider sense, and considered themselves empowered to give *direction* respecting the conduct of the Warden, Confrater, and the Poor in other matters, as the granting of Leases, the augmentation of the stipends of the Warden, Confrater, and Poor, in proportion to the altered value of money, &c.

“That they needed direction in these matters is plain from the existence of abuses which gave occasion to Bishop Fuller’s visitation, and which the Dean of Stamford and Vicar of All Saints’ had either been unable or had neglected to correct. It became, therefore, necessary to provide against the recurrence of such abuses; and this appears to have been the reason why Bishop Fuller introduced

the name of the Bishop of Lincoln into several of the Statutes in which it did not before appear. I must confess myself to be unable to discover in this proceeding anything but a judicious exercise of the visitatorial power, nor can I see in it anything repugnant to the spirit of Stoke's Statutes. I understand that the complaints against the present administration of the affairs of the Hospital turn principally on two points—the mode of letting the property, and the disposal of the annual surplus directed in the Statutes revised by me in 1828.

“With respect to the former of these points, it is undoubtedly most desirable that, at every renewal, the reserved rent should be increased, and smaller fines taken, so that the property may ultimately be let at rack rent; and I understand that steps have been taken already towards accomplishing this object.

“With respect to the other point, it appears, in 1827, that the annual surplus remaining, after defraying the expenses of the establishment, and setting aside the prescribed balance of 300*l.*, was about 540*l.*, which, divided in proportion of 5·4, would leave for the Warden 300*l.*, and for the Confrater 240*l.* a year; and I am of opinion that these stipends are not more than sufficient to induce two respectable Clergymen, who are debarred from holding any ecclesiastical benefice, to submit to the confinement and other restraints imposed upon them by the Statutes. I freely, however, admit, that, in consequence of the increase of the surplus, some new regulation in this matter is necessary, and I am ready to undertake the revision of the Statutes for the purpose of making this or any other alterations. If, however, the view taken by the Framers of the statement is correct, I am not empowered to undertake any such revision. Nothing, therefore, remains

but to apply to the Court of Chancery ; and if the Dean of Stamford, and Vicar of All Saints', in conjunction with the Warden and Confrater shall, after taking legal advice, determine upon making such application, I can have no possible objection. The Court will then direct the Master to prepare a scheme for the future administration of the Hospital, the distribution of its funds, and for its enlargement, if an enlargement shall be deemed expedient. I will thank you to communicate this letter to the four gentlemen who framed the Statement.

"I am, my dear Sir,

"Yours very faithfully,

"J. LINCOLN."

There was no delay on the part of the four gentlemen who had appealed to the Bishop. On receipt of his Lordship's answer they at once drew up their case with marked perspicuity, and sought legal advice upon certain specified points. They quoted largely the Report of the Charity Commissioners as regards the monetary condition of the Hospital, showing the yearly increase of its revenue, and therefore, under the Statutes of 1828, the yearly increase of the stipends of the Warden and Confrater ; while no increase whatever could be made to the payments of the poor. So far all was reasonable, and we may say, highly forcible ; but the Relators did not confine themselves to the two points of letting the property and the disposal of the annual surplus directed in the Statutes revised in 1828, but pleaded hard for the extinction of the Confraternity, on the ground of its being a sinecure which, if continued, would never cease to be assailed.

"It is presumed (they said) that a careful consideration of all the facts will lead to the conviction, that the present

state of the Hospital, the management of its property, and the disposal of its ample resources, are very much at variance with the beneficent and pious intentions of William Browne. A glance at the duties now required of the Warden and Confrater will show that, in the latter case at least, the office has become a sinecure ; and, bearing in mind that the object of the Founder was to promote the glory of God, and to provide a home for divers poor of both sexes, it is to be considered whether it would not be in unison with his intentions, to abolish the office, now that the duties no longer remain to be performed, and to employ the stipend in extending the usefulness of the foundation by supporting a larger number of aged poor. It is also to be borne in mind, that the probable enlargement of the Hospital may render necessary additional officers and superintendents, whose salaries would be an extra item of expenditure, which would much impede its usefulness and delay its extension, unless a due regard be paid to economy. In the earlier charters of Richard and Henry there is no limitation as to the number or sex of the poor ; and the desire to support as many as possible may be inferred from the smallness of the stipends granted by the Statutes of the Founder to the Warden and Confrater, which may probably be regarded about equal to a curacy in these days, for, about half a century later, at the period of the Reformation, it was a subject of complaint against the beneficed clergy that they neglected their parishes, and left them entirely to incompetent curates with a meagre stipend of 10*l.* per annum. That some extension of the Hospital was contemplated, though perhaps a distant one, is rendered probable by the provision of the Statute, which requires that every member of the Almshouse shall, at time of death leave one-half of all he may be possessed for the

future use of the House. It seems advisable that a reasonable stipend should be assigned to the Warden, and also to the Confrater, if the latter office be continued after the decease or departure of the present Confrater; and that the residue, subject to a due allowance to the vicar of All Saints' as Auditor, shall be devoted to the maintenance of as many aged and infirm poor as it will support, adding to the number from time to time as the income improves. If there be an insuperable objection to abolish the office of Confrater, it would seem to be desirable, if possible, to devise some plan by which his time and services might be made available in the parish of All Saints. This would be strictly in unison with the intentions of the Founder, who required the services of both Warden and Confrater in the church of All Saints twice a day every Sunday and Holiday; and thus sufficiently expressed his good will towards the parish in which his ancestors had long lived, and for the church in which he and all his family are buried. The duties of the Warden have increased with the increase of the property, and with an enlargement of the foundation he would find increased employment. He should therefore be exempt from all other duties. The Vicar of All Saints' may reasonably look for some help from this foundation; for, though the conjoined livings of All Saints' and St. Peter's yield an income which renders it unnecessary to advance a claim for pecuniary aid, to the detriment of the real objects of the charity, yet the increased duties are such as render it most desirable to take advantage of the time and services of any member of the foundation who may not be engaged in the Hospital, for, certainly, nothing was further from the intention of the Founder than to create a sinecure.

“It is, further, to be considered whether the comforts of

the Poor and the advantages of the House would not be much enhanced by providing a common table."

With these objects in view, the Relators at once placed their case before Counsel, and sought advice upon various important points. The opinion delivered shows that they had put themselves in the hands of wise and prudent guides. They were told :—

"LINCOLN'S INN, *December 4, 1846.*

"The Bishop's powers are not those of a general Visitor. They are confined to rendering the original Statutes conformable with the Law, and making new Statutes concerning Divine Service in the Hospital, and the government and direction of the Warden, Confrater, and Poor ; but always in consistence with the scheme of the original Foundation. He is bound to continue the offices of Warden and Confrater, and to fill them with ordained Priests. We do not think the Bishop possesses the power, either alone or with the Archbishop's consent, of framing Statutes to afford relief to an increased number of poor persons.

"The Statutes impose an obligation on the Warden and Confrater to assist in their clerical capacity in the performance of Divine Service in the Parish Church of All Saints ; and they are accountable to the Dean of Stamford and the Vicar of All Saints', under the Statutes of Stoke, for the discharge of this duty.

"The Statutes of Stoke assume the attendance of the Alms people at the Parish Church of All Saints ; but any difficulty on the point may be removed by a Statute to be made by the Bishop. The attendance of the Alms people at Divine Service is, we think, clearly within the scope of the Powers conferred on the Bishop by the Letters Patent.

“To the extent rendered necessary by the change in the value of money or in the price of commodities, we think the Bishop would be justified in modifying the Statutes, so as to make provision for the application of an increased revenue amongst the original objects of the foundation, in rateable proportion with those fixed by Stoke. But we think, nevertheless, the more prudent course would be to act only under the direction of the Court.

“We think that the Court of Chancery, even without the authority of Parliament, has power to interfere with the Corporation, and to direct a scheme for the administration of any surplus; although the Corporation, standing upon their charters, should resist interference.

“Any more extensive reconstruction of the Charity would, in our opinion, require the authority of Parliament. In any application which might be made, either to the Court of Chancery or to Parliament, the rights of the members of the Corporation would, certainly, receive their proper weight, and they would of course have the ordinary means of protecting those rights. There can be no doubt that the first, if not only, object of the charity, is the benefit of those who were constituted its members at the time of its foundation; and this would not be lost sight of by the Court, or by the Legislature, in any new scheme which may be submitted for the future government of the Charity.

“And, generally, in our judgment, the best thing for all parties would be, their common co-operation by application to the Court of Chancery to place the Charity on the footing best adapted to carry out the benevolent intentions of its Founder, and to meet the exigencies occasioned by the lapse of time and the change of circumstances.

“JOHN ROLT.

“JOSEPH GOODEVE.”

When the Warden of the Hospital found that an appeal to Chancery was imminent, he at once wrote to the Relators, asking "as to the objects contemplated," and received a reply as clear as it was succinct :—

" February 19, 1847.

"The objects of the present application to the Court of Chancery will be :—

"1. To devise a scheme for securing the proper management of the estates and property of the charity.

"2. To obtain power to sell estates belonging to the Charity, and to reinvest the purchase money in other estates or securities.

"3. To obtain power to alter or extend the Hospital if required.

"4. To obtain power to admit an increased number of poor, both men and women, into the Hospital, and, if necessary, to appoint additional officers and servants.

"5. To declare how and by whom the appointments of such poor shall be made, and under what restriction.

"6. To determine whether there be any necessity hereafter to appoint a Confrater, or whether such office may not be dispensed with.

"7. To fix the stipends of the future Warden and Confrater (if the latter office be continued), and the Auditor's fee.

"8. To fix the stipends of the present Warden and Confrater.

"9. To define the duties of the Warden and Confrater, both as regards the Hospital, and the services to be performed by them in the parish of All Saints.

"10. To determine the allowances to be made to the Poor of the Hospital, and the propriety of having a common table ; or in any way increasing their comforts.

"II. And to establish rules for their government and conduct, and for the future mode of passing and settling the annual accounts, and their publication.

"EDWARD BARBER.

"WILLIAM HOPKINSON.

"RICHARD THOMPSON."

"Cautus sed certus" is the motto of the Court of Chancery.

The appeal was made, and the case went on with wonted slowness; but it is satisfactory to find that a kindly feeling grew up between the Relators and the Officers of the Charity, which tended to make progress easier, and so to bring about, in due time, a scheme on the whole acceptable to all parties, save perhaps the Vicar of All Saints'.

The following letter from Mr. Barber to Mr. Rolt is valuable, as showing the disposition of the Relators in May 1849, and the readiness with which Mr. Nevinson, the Warden, united with them in a fair examination of the several interests involved, and the various changes proposed:—

"MY DEAR SIR,

"STAMFORD, *May 22, 1849.*

"I am greatly obliged to you for your kind attention to my former letter, and I am requested by Mr. Hopkinson and Mr. Thompson to add their thanks for the valuable suggestions you sent us. They came very opportunely, as we had appointed to meet the Warden and Confrater of the Bedehouse on the day I heard from you.

"At that meeting the Warden read a note from his brother, assenting to the withdrawal of all opposition, and offering a suggestion as to the hearing. I have since seen the Warden, and he assents entirely to your proposed decree, preferring it to his brother's, as he says that he does

not himself think the Bishop has the power ascribed to him.

“With reference to the duties of the Warden and Confrater in All Saints’ Parish, we are rather puzzled, and purpose writing to the Bishop ; as we wish, if it be possible to do so, to adopt such a course as will be agreeable to all parties. We feel that the funds of a charitable institution ought not to be applied to the maintenance of a sinecure, and that such an application of the revenues of the Bedehouse is quite opposed to the intention of the Founder. The Vicar of All Saints’ has a strong feeling that the the Warden or Confrater ought, in some way, to be assistant to him ; and if it be found impracticable to abolish the Confraternity, we do not desire to throw any impediments in the way of an arrangement, which may give them some occupation, whether in All Saints’ or in any other parish. I have had some conversation with the Warden, who is now in London, and will talk with his brother on this subject, and the propriety of leaving all such arrangements to the Master. Mr. Nevinson will discuss the matter with you. We are rather inclined (I think, all parties) to include the subject of *duties* in the declaration, but it will, I fear, occasion some delay ; as we shall perhaps find it difficult to secure the consent of all interested. We must of course be guided entirely by you.

“I return the decree you sent us, and will not trespass further upon your time than to thank you for your kind attention to our wishes, and to assure you that the interest you take in the case gives us much confidence.

“Believe me, dear Sir,

“Yrs. very faithfully,

“EDWARD BARBER.

“John Rolt, Esq., Q.C.”

The Spring of 1849 found Relators and Hospital thus earnestly occupied, prosecuting an “Information” in which all Stamford was highly interested. Indeed so interested was the borough that, in September of the same year, a special meeting of the Town Council was held, to receive from the Mayor a communication on the present stage of the proceedings of the Chancery Suit, “The Attorney-General *v.* Browne’s Hospital.” The Mayor (W. French) having given particulars, with which all are familiar, as to the foundation and management of the Hospital, went on to say :—

“I will now revert to the information as filed. It appears on the first revision of the Statutes, which took place in 1674 by Bishop Fuller, by deed dated January 16th in that year, that the mode of letting the property was then chalked out. The 24th Statute relates to the fines to be taken on leases ; and the 25th, as to leases, reserving one quarter of the value in rent. I mention this to show the origin of letting the property on lease, and the taking of fines on the granting of leases. This mode of letting partly by fine has been pursued up to the present time. Indeed, until the letters patent and the Statutes are altered, a letting in any other form would be a breach of trust on the part of the Hospital.—The Relators pray by their bill that the property should be let at rack-rent ; and the Warden, Confrater, and twelve Poor of the Hospital, being aware that that course would conduce to the interests of the Hospital, express their approval of that mode of letting, and thereby offer a helping and willing hand to the carrying out of that portion of the Relators’ scheme. At the same time, I would not have the Council suppose that any immediate benefit can arise, even by both parties agreeing to the alteration in the future mode of letting, because you have

another body's interest to consult, viz., that of the lessees, —those parties have both a legal and an equitable interest in their respective occupations, which the legislature and every court of law and equity would hold sacred. Until, therefore, such interests terminate, and the existing leases expire, the good which will ultimately be experienced will not fully accrue.

“ I will now proceed to the next, and certainly not the least interesting part of the case, viz., the revenue of the Hospital. In the schedules to the answer, the income and distribution for the year commencing Michaelmas, 1847, and ending Michaelmas, 1848, are thus shown :—

| | £ | s. | d. |
|---|------|----|----|
| Receipts, including Arrears—a year's rents, dividends on stock, wood and bark sales, and fines | 1131 | 1 | 8 |

DISBURSEMENTS.

| | | | |
|--|-------|----|----|
| Unvarying expenses, including payments to the twelve poor, washing, court-fees, insurance, window-tax, synodals, and corn-rents | 242 | 6 | 0 |
| Variable payments, including surveyor's charges, coals, repairs of the Hospital, clothes and linen for the Hospital men, surgeon's and apothecary's bills .. | 113 | 3 | 2½ |
| Sundries entered in Warden's day-book, consisting of rates paid for hospital premises and woodlands at Twyford and Swayfield | 36 | 14 | 3 |
| Income-tax | 19 | 17 | 4½ |
| Arrears | 5 | 11 | 0 |
| | <hr/> | | |
| | 479 | 10 | 10 |
| Surplus | 651 | 10 | 10 |
| | <hr/> | | |
| | £1131 | 1 | 8 |

Which surplus was divided under the
Statutes as follows :—

| | £ | s. | d. |
|-----------------------------------|-------|----|----|
| Warden's portion 6-11ths | 355 | 7 | 8½ |
| Confrater's ditto 5-11ths | 296 | 3 | 1½ |
| | <hr/> | | |
| | £651 | 10 | 10 |

“I quite approve of a part of the proposed scheme of the Relators, viz., that it is desirable, as the leases fall in, to let the property at rack-rents ; and also of another part of the scheme, viz., to sell the house property, and to buy land with the proceeds. The mischief of house property being vested in Corporations has been on many occasions exemplified ; it is shown in two instances of property belonging to Browne’s Hospital in Stamford, viz., Newland’s house in High Street, and the houses in Manorly-lane let to Mr. White. In the former case, a house so situated, had it been in the hands of a private individual, would never have got so thoroughly out of repair and remained so long empty : in the other case, the property is of the worst description, and there are more nuisances committed upon it, and more danger of disease arising out of it, than in any other part of the town.

“I consider that the thanks of the public are due both to the Relators for their exertions in bringing this matter forward, and also to the Hospital authorities for the manner in which they have met the question.”

The good feeling alluded to by the Mayor, and gratefully recognised by the Town Council, was in every way of value. In the Borough no bitter spirit prevailed, for all were compelled to admit that the well-being of a Charity very dear to the Town was the sole aim of all engaged. And there was this further benefit. The absence of violent opposition carried the suit forward with more than ordinary expedition. So much so, that the Vice-Chancellor’s Decree was declared on the 8th of November, 1849,* less than two months after the Mayor’s Report. It was as follows :—

“Between Her Majesty’s Attorney-General, at the relation of Edward Barber of Stamford in the County of Lincoln,

* *Attorney-General v. Browne’s Hospital*, 19 L. J., Eq. 73, 17, Sim. 137.

Surgeon, William Hopkinson, and Richard Newcomb
Thompson, both of the same place, Gentlemen,

Plaintiffs ;

AND

“ The Warden, Confrater, and Poor persons of the Hospital
of William Browne, of Stamford, aforesaid, of the foun-
dation of James, King of England, the Rev. Charles
Nevinson, the Rev. Woolley Spencer, John, Lord Bishop
of Lincoln, the Very Rev. Henry Kaye Bonney, the
Rev. Nicholas Walters, and William Farmery Law,

Defendants

“ And, Between the Attorney-General, by and at the relation
of the said Edward Barber and others . . . *Plaintiffs ;*

AND

“ William French (by Supplemental Information),

Defendant.”

“*8th November, 1849.*—This Court doth declare that,
upon the true construction of the Letters Patent of his
Majesty King James the First, the Bishop of Lincoln for
the time being has not any power or authority, as it was
pretended he had, to make or constitute any Statutes, or
to revoke, change, determine, enlarge, alter, or make new
the same, or any of the existing Statutes touching or con-
cerning or relating to the management of the estates and
property of the said Hospital, or the distribution of the
revenues thereof ; but that the power and authority given
by the said Letters Patent to the Bishop of Lincoln for the
time being to make and constitute Statutes, and to revoke,
change, determine, enlarge, alter, or make new the same,
or any of the existing Statutes, is limited to the making
and constituting, revoking, changing, determining, enlarg-
ing, altering, and making new Statutes touching and

concerning the performance of divine service in the said Hospital, and touching and concerning the personal conduct and government of the Warden, Confrater, and Poor Persons of the said Hospital; and that such limited power of making, and constituting, revoking, changing, determining, enlarging, altering, and making new, the said Statutes, is to be exercised so as not to be contrary, or repugnant, or derogatory to such of the ancient Statutes of the said Hospital as are consistent with the Laws and Statutes of the kingdom.

"And this Court doth declare, that the practice of letting the estates and property of the said Hospital on leases for years or lives, on the payment of fines, is detrimental to the interests of the said Hospital, and that the same ought to be discontinued, at such time and in such manner as the Master in Chancery, in settling any scheme under this decree, shall direct. And that the said estates and property ought thenceforward to be let at rack-rent, either from year to year, or for terms of years not exceeding twenty-one years in possession, and not in reversion.

"And this Court doth order and decree, that it be referred to the Master of this Court in rotation to take an account of the estates and property of the said Hospital, and the present amount of the revenues thereof. And it is ordered that the said Master do enquire and state whether it will be fit and proper, and for the benefit of the Charity, that any and what part of the estates shall be sold or let on building leases. And it is ordered that the said Master do enquire and state, at what annual sums the several farms and estates of the Charity are now let, and what is the present annual value of each of such farms and estates, and when the several leases or agreements for leases thereof will fall into possession.

“And it is ordered, that the said Master do settle a scheme for the future government and regulation of the said Hospital, and for the distribution of the revenues of the said Hospital, according to the Charters or Letters Patent of the said Hospital, and the ancient Statutes thereof; and in settling such scheme, the Master is to have regard to the said Charters or Letters Patent, and to the said ancient Statutes so far as the same have been duly made, and to the several declarations hereinbefore contained, and to the rights and interests of the said present Warden, Confrater, and Poor Persons, and to the Statutes and circumstances under which the present Warden and Confrater and Poor Persons were respectively appointed.

“And it is ordered, that the said Master do enquire and state whether the annual income of the estates and property of the said Hospital is now, or will at any and what future time, having regard to the existing leases, be more than sufficient to answer and satisfy all the purposes of the said Hospital according to the original intent of the Founders thereof. And, if he shall find that the same is now or will hereafter be more than sufficient for those purposes, then it is ordered that he do enquire and order in what way the revenues for the future of the said Hospital, after satisfying all the purposes of the said Hospital, ought to be applied or accumulated for any and what time, or disposed of; and whether any and what alteration or alterations ought to be made in the constitution of the said Hospital,—having regard to the original intent of the Founders, and the said Charters or Letters Patent, and to the said ancient Statutes, and to the several declarations hereinbefore contained.

“And the said Relators and Defendants are to be at liberty to lay proposals before the said Master for a scheme or schemes for the purposes aforesaid. And the said

Master is to state the same with his opinion thereon to the Court, and whether it will be necessary that the existing Charters should be surrendered and a new Charter applied for, or that application should be made to Parliament to give effect to any scheme for the application of such revenues.

“And this Court doth declare that, in the meantime and until a scheme for the future government and regulation of the said Hospital, and for the distribution of the revenues of the said Hospital, shall be settled or approved by the said Master, the revenues of the said Hospital shall be paid and applied in the manner in which such revenues are by the now existing Statutes directed to be paid and applied.

“And, it is ordered that the Mayor for the town of Stamford for the time being be at liberty to appear in all proceedings in this suit, in the same manner, but not otherwise, as William French would be entitled to appear therein, in case he should continue Mayor of the said town of Stamford.

“And for the better taking the said accounts, and discovery of the matters aforesaid, the parties are to produce before the said Master, upon oath, all deeds, papers, and writings in their custody or power relating thereto, and are to be examined upon interrogatories as the said Master shall direct; who in taking the said accounts is to make unto the parties all just allowances.

“And this Court doth reserve the consideration of all further directions, and of the costs of this suit, until after the said Master shall have made his Report; and any of the parties are to be at liberty to apply to this Court as there shall be occasion.”

When the decree was published, the *Stamford Mercury*, expressing, we may suppose, public opinion upon a matter

of such great interest to the town, declared that there was "every prospect of a great and valuable reform in the application of the large revenues of the Hospital."

The Master in Chancery, to whom the case was referred, was Mr. William Brougham (brother of Lord Brougham), but on his decease it was transferred to Mr. N. W. Senior, whose Report shows that the orders of the Vice-Chancellor were scrupulously carried out. All parties concerned were fully heard. The proceedings were necessarily slow, as various and important interests had to be considered, an extensive property to be carefully valued, and the best mode of dealing with it for the future to be determined. At last, after a lapse of more than three-and-a-half years, the Master returned to the Court of Chancery the following Report, together with a "scheme for the future government and regulation of the Hospital, and for the distribution of its funds":—

"26th July, 1853.

"By Report of N. W. Senior, Esq., the Master, to whom the said causes were transferred, made in pursuance of the said Decree, the said Master found, that a state of facts on the part of the Relators, left in the Office of the late Master Brougham, 8th July, 1850, had been laid before him, supported by the following evidence, that is to say, a joint several affidavit of Charles Nevinston, Clerk, and Woolley Spencer, Clerk, two of the above named Defendants, sworn in these causes on 1st May, 1850, and the exhibit marked with the letter 'A' therein mentioned and referred to. And an affidavit of Charles Day, Land Agent, sworn in these causes on 22nd November, 1850, and the schedule thereto annexed, and thereby referred to. And, in the first. Schedule to that his Report, the said Master had set forth

an account of the estates and property of the Hospital of William Browne of Stamford, in the county of Lincoln, in the pleadings mentioned and the present amount of the revenue thereof, and at what annual sums the several Farms and estates of the Charity were then let, and what was the present annual value of each of such Farms and Estates, and when the several Leases or Agreements for Leases thereof would fall into possession. And a state of facts and charge on the part of the Relators, left in the aforesaid Office on 30th of June, 1852, had been laid before the said Master, (which was subsequently amended pursuant to his directions) supported by office copies of the pleadings in these Causes, and the Charters and Statutes therein referred to, the evidence therein before referred to, and the office copies of the Affidavits of the said Charles Nevinson, Clerk, and Woolley Spencer, Clerk, respectively filed on these Causes on the 29th of November, 1852. And the Relators had charged before the said Master, and upon consideration of said state of facts, and charge, and evidence, the said Master was of opinion and found, that it would not be fit and proper, and for the benefit of the Charity, that any part of the Estates of the said Charity should be sold, or let on building leases; and the last mentioned state of facts and evidence, and a scheme on the part of the Relators, left in the aforesaid Office on the 30th of June, 1852, had respectively been laid before the said Master; and a counterstate of facts on the part of the Reverend Nicholas Walters, Vicar of All Saints', in the town of Stamford, in the county of Lincoln, left in the Office of the said Master on 16th of February, 1853, had been also laid before him; and, upon consideration of last mentioned state of facts, and evidence, and scheme, and the said counterstate of facts, he had settled a Scheme for the future government and regulation

of said Hospital, and for the distribution of revenues of said Hospital, according to the Charters or Letters Patent of said Hospital, and the ancient Statutes thereof, having regard to said Charters or Letters Patent, and to said ancient Statutes, so far as same had been duly made, and to the several Declarations in the said Decree contained, and to the rights and interests of the present Warden, Confrater, and Poor Persons, and to the Statutes and circumstances under which the present Warden, Confrater, and Poor Persons were respectively appointed. And the said Master, on the 2nd Schedule to that his Report, had set forth the scheme, so settled by him as aforesaid, and he found that the annual income of the Estates and Property of the said Hospital was then more than sufficient to answer and satisfy all the purposes of the said Hospital, according to the original intent of the Founder thereof; and that the Revenue of the future of said Hospital, after satisfying all the purposes of said Hospital, ought to be applied and disposed of in the way provided by the aforesaid scheme settled by him; and that such alterations, as in the aforesaid scheme are specified, ought to be made in the constitution of said Hospital, having regard to the original intent of the Founder, and Charters or Letters Patent, and to said ancient Statutes, and to the several Declarations and Decree contained. And the said Master was of opinion and found, that it would not be necessary that the existing Charter should be surrendered, or new Charters applied for, or that application should be made to Parliament to give effect to any Scheme for the application of the revenues thereof; and the said Master thereby certified that the attendance of Counsel in this case was proper.

"*7th November, 1853.* All which by order of this date was absolutely confirmed."

Thus, after a long and anxious labour of love, the Relators, by their foresight, energy, and firmness of purpose, secured for the ancient Bedehouse a Scheme for its government and regulation in every way satisfactory. The practice of letting Hospital property on leases for years or lives on the payment of fines was stayed, the powers of the Bishop of Lincoln as Visitor were duly set forth, the incomes of the Warden and Confrater fixed, and justice done to the Municipality and to the public at large by the introduction of the Mayor as a Governor, and the annual publication of the Hospital accounts. Under the new régime the Charity flourished, and in due season became so prosperous, that it was enabled to provide generous help in the great work of educating the children of the inhabitants of Stamford—a generosity for which it received, I fear, an ungracious and ungrateful return.

CHAPTER XI.

THE RESTORATION AND REBUILDING.

THE new scheme, settled and confirmed in 1854, was quickly set in motion, and for nine years all went on satisfactorily. The revenues of the Charity increased, through the falling in of leases and the reletting at rack-rents. The poor of the House, well clad and well fed, were contented and happy, and the officers of the Hospital watched over its interests with scrupulous care. But there was one difficulty (if it may be so called) which had in due season to be met. The income of the Hospital increased to 2000*l.* a year, promising to become 4000*l.* The question at once arose, in what way could that increase be most usefully expended? The authorities of the Hospital were prompt in action and wise in their suggestions. They had put the house-property of the Charity in thorough order, and made great improvements in drainage and farm buildings ; and now the Hospital buildings themselves called for immediate attention, as they were not only in a decayed, but also in a very dangerous condition. Fortunately, in 1854, the Trustees (by exchange) had acquired a house and property adjoining the Hospital. It was therefore determined to seek powers to build quarters for the Warden and Confrater, and proper apartments for the Poor. To carry out the plan the following application was made to the Charity Commissioners :—

“To the Charity Commissioners for England and Wales.

“BROWNE’S HOSPITAL, STAMFORD, Oct. 3rd, 1868.

“We, the undersigned, the Dean of Stamford, the Vicar of All Saints’, in Stamford, and the Mayor of Stamford, are the Governors and Trustees, and the undersigned the Reverend Charles Nevinson and the Reverend Robert Bateman Paul, are the Warden and Confrater of the Hospital of William Browne, in Stamford, a Corporation under the style of ‘The Warden, Confrater, and Twelve Poor of Browne’s Hospital, of the foundation of King James the First,’ having a common seal.

“In the year 1854 a scheme for the management of the Charity was settled in a suit in Chancery, intituled ‘Attorney-General v. Browne’s Hospital,’ and, by the order on further consideration made in the suit, liberty to apply to the Court of Chancery was reserved.

“Since that scheme was settled by the Court, the income of the Charity has increased by about 2000*l.* a year, and, upon the falling-in of existing leases, the income will amount to at least 4000*l.* a year. The following is a statement of the property of the Hospital on the 31st of December last:—

REAL ESTATE.

| | £ | s. | d. |
|---|------|----|----|
| Estates in hand, net rental | 2481 | 10 | 2 |
| Estates in lease:— | | | |
| For lives, 561A. 3R. 11P. ; and 13 houses, ditto | 129 | 11 | 0 |
| For years, 257A., 2R., 6P. ; and 21 houses, ditto | 166 | 11 | 6 |
| | 2777 | 12 | 8 |

PERSONAL ESTATE.

| | | | |
|---|-------|----|---|
| 929 <i>l.</i> 6s. 9 <i>d.</i> Consols (Sale of Estates) Dividends | 27 | 17 | 7 |
| 3370 <i>l.</i> 10s. ditto (Sale to Railways) ditto | 101 | 2 | 3 |
| 2000 <i>l.</i> 15s. 4 <i>d.</i> ditto (Accumulations prior to 1854) ditto | 60 | 0 | 5 |
| 1631 <i>l.</i> 17s. 11 <i>d.</i> Reduced (ditto since 1854) ditto | 48 | 19 | 2 |
| Annual Income | £3015 | 12 | 1 |

“The repairs and re-building required in consequence of the dilapidated state of the extensive house property of the Hospital, and the improvements in drainage and farm-buildings necessary upon the farms and lands of the Hospital, have hitherto prevented the Trustees from accumulating to a greater extent than 1500*l.* (or thereabouts) such part of the income as was not required for the yearly stipends, pay, and use of the Warden, Confrater, and Poor of the Hospital, and the management of the estates; but in future it is anticipated that there will be a surplus of 500*l.* a year, which will increase annually as the leases fall in, and the estates can be let at rack-rent.

“The Confrater, who was living when the scheme was settled in 1854, and whose stipend was thereby fixed at 312*l.* per annum, has lately died; his successor was appointed on the terms (mentioned in the scheme), that he should abide by the order of the Court as to the amount of his stipend.

“The Hospital buildings are in an advanced state of decay and dilapidation, and, with the exception of a small part, are hardly fit for habitation; being built upon a sloping site, many of the rooms are lower than the surrounding ground, and are very damp and unhealthy. Since their erection a large bank or mound of earth which supported the main building on the south front, next to the town street, has been cut away: the foundations have in consequence thereof settled, and dangerous cracks have appeared, which have increased to such an extent lately, that it has become necessary to shore up the building, as the lives of the inmates were endangered.

“The size and general arrangement of the rooms for the Poor inmates are inconvenient, and there are no means at present of obtaining proper ventilation. There is no

common room for them; they are compelled to use a wash-house as a sitting room, even during the time that washing is going on.

"There is no accommodation for the Governors and Trustees.

"Several of the buildings, besides being ruinous, are utterly useless for the purposes of the Charity.

"Since 1854 the Trustees have acquired (by exchange) a dwelling-house and property adjoining the Hospital. The buildings thereon are old, and it is most desirable that its site should be included within the precincts of the Hospital, and be incorporated with it, so as to form part of the Almshouse referred to in the scheme of 1854.

"The whole of the existing Hospital buildings, with the adjoining house, should be pulled down, and on the site thereof new residences for the Warden and Confrater built, and convenient apartments provided for as many additional Poor inmates as the site will admit of, together with a new chapel, audit room, common hall, and accommodation for the Governors and Trustees.

"A new scheme should be settled, but it is desirable that the Charity should not be extended in the direction of the present Poor inmates. They receive 7s. per week, with clothing, fuel, &c., making their total relief about 30*l.* per annum each: this benefit only secures inmates from a class addicted to drunkenness and disorder, and such as are the ordinary inmates of a workhouse.

"An increased allowance and improved accommodation would secure objects from a better class, to whom the Charity would be a greater boon, the inmates to be chosen from both sexes. Provision should also be made for applying any surplus income, which might from time to

time be available for annuities to persons of either sex not resident within the almshouse.

"The scheme of 1854 has been found in many particulars difficult of construction, and it is desirable that it should be amended.

"Under the circumstances before mentioned, we shall feel obliged by your authorising us to apply to the Court of Chancery for an order—

"1st. To amend and extend the present scheme and to settle a new scheme.

"2nd. To incorporate as part of 'the Almshouse' the building and property adjoining the Hospital and now belonging to it, and any other property adjoining the Almshouse which may be hereafter acquired.

"3rd. To pull down all the existing buildings of the Almshouse and the buildings adjoining it, and to erect new buildings on the site, according to plans to be approved by the Court.

"We are, Gentlemen,

"Your obedient servants,

"EDW. R. MANTELL, *Dean of Stamford.*

"NICHOLAS WALTERS, *Vicar of All Saints', Stamford.*

"JEREMIAH CLAPTON, *Mayor of Stamford.*

"CHAS. NEVINSON, *Warden of Browne's Hospital,
Stamford.*

"R. B. PAUL, *Confrater of Browne's Hospital,
Stamford.*"

The answer of the Commissioners was both gracious and cautious. Before coming to any decision they deemed it necessary to institute a close inquiry into the Charities of Stamford generally, and also to know what the leading inhabitants had to say as to Browne's Hospital in particular.

"To the Very Rev. the Dean of Stamford, Stamford.

"CHARITY COMMISSION, 8, YORK STREET,

"ST. JAMES'S SQUARE, S.W., 3rd Dec., 1868.

"VERY REV. SIR,

"1. The application, received during the vacation from the Trustees of the Hospital and the Warden and Confrater, has recently been laid before the Board, with whose present views I am to acquaint you.

"2. Before determining what course to take, the Commissioners think it wiser to direct an inquiry into the circumstances of this charity and the other charities of Stamford. The great increase of revenue actually accrued, the greater increase still that is expected, and the necessity of maturely considering how those funds may be made to conduce most to the good of the class whom they were designed to benefit, require that a comprehensive survey shall be taken of the condition both of this foundation and of the people whose lives it must affect.

"3. You will observe that the foundation is for poor persons fixed by the charter of James I. at the number of fourteen, who are thereby incorporated. Of course the increased income cannot properly be expended on these objects, and it therefore remains as surplus, which may be dealt with under the jurisdiction which the Court of Chancery has always exercised with reference to disengaged charitable gifts.

"4. By the Charitable Trusts Act (1860) this Board was clothed with the same power of establishing schemes that the Court of Chancery had before; and the Court is not bound to apply surplus funds of this kind to the sole purpose of extending that particular mode of gift which the Founder selected. There is a very valuable decision of

that Court (*Re Ashton's Charity*, 27 Bevan, 115) proceeding on the principle that, after supporting the number of poor named by the Founder in a charity of this kind, the Court is at liberty to apply the surplus in education, or such other modes as may benefit most the class for whose general benefit the charity was originally given.

"5. Supposing, then, that a judicial scheme were sought for, the first point to consider is whether the large existing surplus income, and the still larger expected one, may be most beneficially expended for the poor of Stamford by the enlargement of the Almshouse, or in other ways. And the Commissioners wish to point out other applications of the surplus, which, in other places, have been selected as preferable to direct gifts to the poor.

"6. You will observe that in the case of Ashton's Charity the Court applied the surplus to establishing a school. A Village Hospital or Dispensary is sometimes found to be a kind of charity doing much good and little harm. A Convalescent Hospital is sometimes the very greatest boon to those who have just risen from sickness, making the whole difference to them whether they shall become strong and support themselves, or relapse and become a burden on society. The Trustees might also select some good general Hospital or Hospitals, or some good general school or schools open to the poor at large, to receive annual donations from this foundation. The Trustees could doubtless arrange with the hospital authorities to have a preferential right to nominate some in-patients or out-patients, which right might be used for the benefit of the Stamford poor, and might be placed, as other rights of nomination are, under such regulations as not to introduce confusion into the Hospital. Similar arrangements might be made with any school.

"7. Again, the inclosed paper indicates a number of objects to which charitable funds may be applied at the discretion of the Trustees. It is a form now often used by the Board in the case of distributive charities, and is found to work well.

"8. Which of the purposes above indicated can be most usefully aimed at, those who have local knowledge can best judge. But, in considering the destination of the present surplus, it should be borne in mind that the mere and direct gift of money or money's worth is often found to create more misery than it relieves, and that the best use of gifts is made when they are applied so as to help people to keep themselves, either by attracting them into habits of frugality, economy, management, and forethought, or by giving them the bodily health and the cultivation of mental faculties, without which most must fall in the scale of existence. And if the Trustees will be kind enough to consider the matter with reference to these suggestions, the object of the proposed inspection will be much advanced.

"9. It may, however, prove on inquiry that the case is one more fitted for a Parliamentary than a judicial scheme. It is quite possible that the objects which will ultimately appear to be most desirable may be found to be beyond the range of judicial powers, as, for instance, if a wider area is sought for the operation of the charity, or if the obligation of residence in an almshouse for the present members of the Corporation is to be relaxed, or if the character of the Corporate body is to be affected. Indeed, this last consideration is a very important one, and will probably be found to lie at the root of effectual improvement. The old system of incorporating members of almshouses, adopted for reasons which no longer exist, is found very inconvenient in the

present day. And, besides this inconvenience, the Commissioners consider that the best guarantees for the well-doing of a large foundation, such as this, is to be found in the establishment of a numerous and efficient body of local trustees, vested with ample powers of discretion and management.

“10. For the above reasons the Board have thought it right to order an inspection by Mr. Hare, who, before visiting the place, will endeavour to make such arrangement as will best suit the convenience of those who desire to attend. The Commissioners trust that you and other gentlemen interested in Stamford will be kind enough to give their minds to the subject, and to state their views to Mr. Hare, whose duty it will be to receive and examine all suggestions, and to report them to the Board. It is to assist the study of the case, and to increase the usefulness of the inquiry, that I have thrown out the various suggestions contained in this letter. When the Commissioners are able to discern what objects should be aimed at, they will easily determine the minor question, whether it is best to operate by order of this Board, or of the Court of Chancery, or by Parliamentary scheme.

“I am, Very Rev. Sir,

“Your obedient servant,

“HENRY M. VANE,

“*Secretary.*”

The Dean of Stamford, on the part of the Hospital, readily accepted the proposed inquiry, but indignantly repudiated the suggestion of additional Trustees, as a reflection upon those who had “thoroughly and effectually done their duty.”

"To the Secretary, Charity Commission.

"BROWNE'S HOSPITAL, STAMFORD,

"Dec. 14, 1868.

"SIR,

"I have the honour to acknowledge the receipt of your letter of the 3rd inst., addressed to me in reply to the application made by myself and my co-Trustees, and the Warden and Confrater of Browne's Hospital, to the Charity Commissioners, relative to our obtaining, under their sanction, further directions from the Court of Chancery for the management of the affairs of the said Hospital, and for the application of the increased funds which have accrued from its estates. I have laid your letter before a meeting of the applicants, who have desired me to express their satisfaction at the proposal made by the Commissioners to send down Mr. Hare to inspect and report upon the state of this Charity and its property, as they feel that the Commissioners will be thereby convinced of the pressing necessity of restoring or rebuilding the Hospital; and they will then have the opportunity of explaining the practical advantages of the scheme they suggest, and of stating their objections to some of the modes of applying the surplus revenues of the Charity which your letter hints at. My co-Trustees will be glad if Mr. Hare would not fix his inspection before the end of the year, as one is now absent from Stamford, and they wish their Steward to have ample time to prepare some statistics as to the revenues of the Charity and the locality of the estates, which will be of considerable service to Mr. Hare upon his inspection and inquiry.

"I must not omit to notice that your letter assumes that this Charity is purely local, and intended for the poor of Stamford only; this is not the case: it is a general Charity, the Hospital or Bedehouse only being in the town of

Stamford, whilst its estates are scattered in the several counties surrounding that town. Upon one other point I feel it necessary to remark on behalf of myself and co-Trustees. Your letter suggests the desirability of increasing the number of Trustees as a guarantee for the well-doing of the Charity: we can only say, that no efforts have been spared on our part, by the strictest regard to the interests and management of the Charity, to render it efficient and serviceable to the objects to whom it can now be dispensed, and to preserve and improve its property; and we shall raise our serious protest against the introduction of additional Trustees, feeling, as we do, that we have thoroughly and efficiently done our duty.

"I am, Sir,

"Yours faithfully,

"EDWD. REGINALD MANTELL,

"Dean of Stamford."

The Assistant Commissioner, Mr. Hare, now asks as to the time when the Hospital Trustees will be prepared for the inquiry, and urges, that the general opinion of the neighbourhood on the best mode of improving the Charity should be elicited.

"The Very Rev. the Dean, Stamford."

"CHARITY COMMISSION, ST. JAMES'S SQUARE,

"Dec. 16, 1868."

"REV. SIR,

"Your letter of the 14th inst., addressed to the Secretary of the Charity Commissioners, has been placed in my hands. I observe that the Trustees express a wish that my inquiry respecting this Charity should not be fixed before the end of the year. I quite concur in the wish of the Trustees, that their Steward should have ample time to prepare the statistics concerning the revenue of the

institution and the locality of the estates, which cannot but be of great service.

"I should be glad also if, in the meantime, as much publicity as possible were given to the letter of the Secretary of the 3rd inst., and that the general opinion of the neighbourhood, on the best method of improving the institution, should thereby be elicited.

"Perhaps you, or the Steward of the Charity, will be kind enough, in the course of the next month, to inform me at what time the information referred to is likely to be complete, and when it will be convenient to the Trustees that the inquiry (which is to extend to *all* the Stamford Charities) should be appointed to take place.

"I am, Rev. Sir,

"Your obedient Servant,

"THOS. HARE."

Dean Mantell, in reply, fixes the time, and a few days after (Jan. 1st) placed before the public the correspondence between the authorities of the Hospital and the Commissioners:—

"To Thomas Hare, Esq.

"SIR,

"BROWNE'S HOSPITAL, Dec. 17, 1868.

"I beg to acknowledge the receipt of your letter of yesterday's date, and in answer have to inform you that the Steward will be prepared with full statistics as to the revenue of the Hospital and the locality of its estates by the 7th of January next, and the inquiry may therefore take place at any time after that day it may please the Commissioners to appoint.

"I am, Sir,

"Your obedient servant,

"EWD. REGINALD MANTELL."

When the time for Mr. Hare's visitation, viz. Feb. 17th, became known, an application was made to the Mayor for a public meeting, "to consider what steps should be taken with regard to the intended inquiry before the Charity Commissioners relating to Browne's Hospital in Stamford." The meeting was held on Feb. 11th, when Mr. Richard Thompson, one of the Relators who had some twenty years previously filed a friendly bill in the name of the Charity against the authorities of the Hospital, suggested, "without in the smallest degree whatever imputing anything like mismanagement, past, present, or to come, to any of the Hospital officers, that there should be some persons selected to watch over the matter, and to state to the Commissioners what, in their opinion, would be the best scheme for appropriating the funds of the Charity."

This proposal was favourably received as both practical and prudent, but not so by Mr. Torkington, who, while highly valuing the antiquity of his own family, moved a resolution to utterly sweep away a noble old building architecturally of special worth to the borough. He said that, as an old inhabitant of the place, and as a descendant of one of the oldest families in the town, he felt it his duty to propose the following resolution:—"That, in the opinion of this meeting, it is inexpedient to rebuild Browne's Hospital in Stamford, and this meeting therefore begs to suggest to the Charity Commissioners that the whole of the existing Hospital buildings, with the adjoining house, should be sold, in order that the whole of the Hospital revenues may be applied in maintaining out-pensioners, promoting education, and carrying out the objects of the Charity."

The resolution with difficulty found a supporter, and was met at once by an amendment, moved by Mr.

Henry Johnson, and carried almost unanimously, "That a committee of the inhabitants of the town be appointed to watch the proceedings relative to Browne's Hospital on the inquiry before Mr. Hare, the inspector sent down by the Charity Commissioners to suggest such alterations and improvements in the scheme and future management of the Charity, or such other proceedings relative thereto, as may be deemed expedient, and that such committee do consist of the requisitionists to the Mayor, with power to add to their number."

The Town Committee was forthwith appointed and held frequent meetings, all marked with the greatest consideration for the old Charity. The Trustees of the Hospital, in order to show their friendly sympathy with the efforts made by the Borough, had invited the ex-Mayors of Stamford to attend in the Audit Room on the 9th of February, there to set forth a new scheme for the administration of the Charity and appropriating its surplus funds.

There were present the Dean of Stamford (in the chair), the Mayor, the Warden, the Confrater, and the Steward, Mr. Phillips ; and, as ex-Mayors, Messrs. Dafforn, Simpson, Langley, Johnson, Paradise, Groves, and Clapton. An outline of a scheme was submitted by the Dean, not essentially different from the proposal to be made to the Charity Commissioners by the committee appointed at the Town meeting. The Dean expressed his willingness to confer with a deputation of the Town Committee prior to the inquiry by the Assistant Commissioner, and withdrew his objection to the appointment of additional Trustees.

Thus, by a united effort of Hospital and Town, all was well in order for Mr. Hare on the 17th of February.

On that day he attended at the Town Hall, and, having opened the meeting, proceeded to examine the buildings. They at once gave to him clear evidence of their dilapidated state, requiring, he considered, immediate attention, as the lives of the inmates were seriously threatened. On his return to the Town Hall, the Dean of Stamford submitted suggestions for the future management of the Charity. He and his co-Trustees proposed to rebuild the Hospital, making residences for twelve Poor men and a Warden and for other inmates; the Confrater to be appointed from one of the several poorly endowed incumbencies in Stamford; the dwelling houses on the Hospital estates to be repaired, and cottages of the most approved construction erected for the labouring classes, the same to be let at moderate rents; that grants be made to schools not exceeding 10*l.*; a sum not exceeding 100*l.* to be applied to aid convalescent patients, regard being had to patients from the Stamford Infirmary; sums not exceeding 50*l.* as annuities to deserving objects; the management of estates and revenues to be placed in the hands of fifteen Trustees, of whom the Dean of Stamford, the Vicar of all Saints', and the Mayor to be *ex-officio*; the others to consist of six inhabitants of Stamford and six from counties adjoining the Town; that the stipends of the future Warden and Confrater be subject to the Charity Board as at present; that the Poor receive 5*l.* in lieu of clothing; the religious services in the Hospital to be ordered by the Bishop. The Rev. C. Nevinson (Warden of the Hospital) urged that the Warden should be a Trustee, but the Inspector did not seem to concur.

Mr. Hare, who was sent to collect evidence, not to arrange a plan, would have been wiser had he confined himself strictly to hearing and reporting. To the Commissioners

his opinions might be highly useful, but during the inquiry they were disturbing. He said, it was a question whether the present buildings might not be made convenient dwellings for the poor men, and houses in the neighbourhood found for the Warden and Confrater. He did not see the necessity for the latter residing on the spot, neither did they want to make the old men prisoners. One remark was legitimate and wise. He felt “that it would be sad to pull down the old building.”

Mr. Richard Thompson, in whom the Hospital had for many years found a zealous and valuable friend, said the general feeling in the town was strongly against doing away with the old building. It should be repaired if possible, and, if not, it should be rebuilt in the present form. He then submitted a scheme, which had been drawn up by the Town Committee, recommending that fifteen additional Trustees (twelve to be selected from the most respectable inhabitants of the town, and three from the neighbourhood) be added to the Mayor, the Vicar of All Saints', and the Dean ; that the present Hospital should be amended, altered or rebuilt, as the necessity of the case may require ; that the office of Confrater should be abolished as unnecessary ; from the funds of the Hospital a sum, not exceeding 500*l.* a year, should be applied to educational purposes within the town of Stamford, or in the different villages in which the estates are situated, the same to be applied by the Trustees at their discretion ; a sum of 100*l.* a year to be bestowed on convalescent patients. No increase to the number of Poor in the Hospital is desirable, but that men with their wives might be eligible, as well as widowers and bachelors. The surplus revenues should be expended for the benefit of necessitous and deserving persons of the Town and neighbourhood, such grants not to exceed 30*l.*

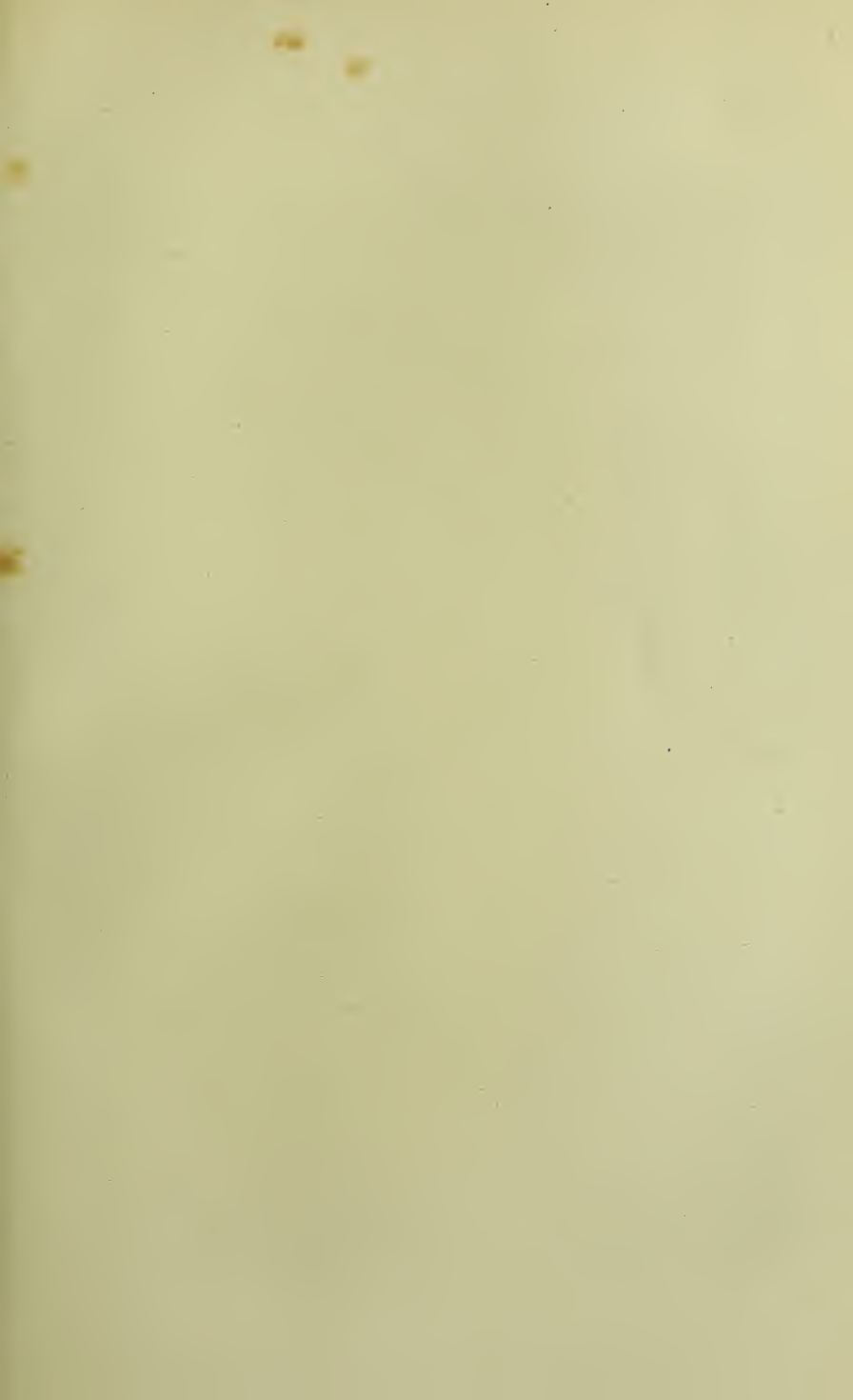
a year to any one person. The inspector here intruded the remark, that they might with advantage do away with the Confraternity and elect a Town Incumbent as Warden.

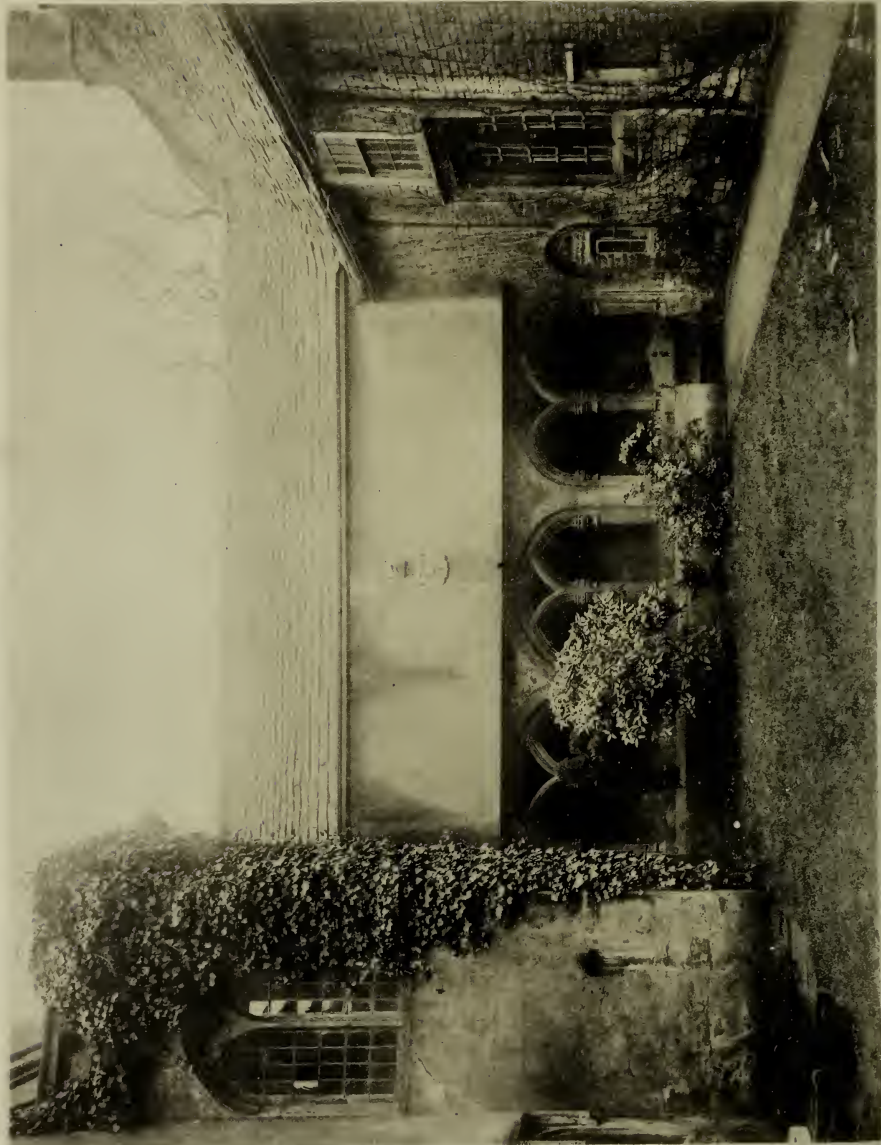
Before the inquiry ceased Mr. Hare was supplied with suggestions many, and some not a little curious. He listened patiently to every speaker, and promised that all the proceedings should be laid fully before the Commissioners, who would give the important matter their most careful consideration, and in due season communicate their decision to the Governors and Trustees of the Hospital.

On the receipt of the Inspector's Report the Charity Commissioners saw that the Hospital buildings must be their first and immediate consideration. Mr. Hare was therefore instructed to confer as early as possible with the Governors "with respect to the conservancy of the Hospital, and the arrangement of the Warden's House and the rooms of the Poor men."

The conference was held on February 23rd, and Mr. James Fowler, of Louth, an architect of high repute, was requested to inspect the Hospital and adjacent buildings, with a view to prepare plans for such work as should be deemed necessary. All possible despatch was exercised. On April 15th the plans were submitted to Mr. Hare, who directed them to be placed before the Trustees for approval. Having received their approval Mr. Fowler was further requested to prepare working plans, and obtain an estimate of the cost, to be forwarded to the Commissioners for their sanction.

On the 21st of July, 1869, Mr. Fowler delivered the following estimate to the Trustees, by whom it was at once forwarded to the Charity Commissioners.





J. FOWLER, ARCHT.

BROWNE'S HOSPITAL.

INNER COURT OF OLD BUILDING, LOOKING WEST.

"LOUTH, *July 21, 1869.*

"I estimate the cost of rebuilding the Hospital buildings, the restoration of the front block facing Broad Street, re-erecting the western end of the same, the erection of a new house for the Warden on the eastern end of the property, and the completion of the work, according to the several plans, elevations, and sections submitted herewith, at the sum of seven thousand pounds.

"JAS. FOWLER, F.R.I.B.A., *Architect.*"

On the 29th of the same month the Commissioners sealed an order to carry out the Architect's plans :—

"Whereas, on July 26th, one thousand eight hundred and sixty nine, there was laid before the Board of Charity Commissioners for England and Wales a statement in writing, under the hand of Mr. Joseph Phillips as the Agent, and on behalf of the Governors and Trustees of this Charity, requesting the sanction and authority of the said Board for the restoration of certain portions of the buildings of the Hospital, and the erection of some new buildings, and for defraying the cost thereof, according to certain plans and estimates of Mr. James Fowler, Architect and Surveyor, of Louth, Lincolnshire ; and which said plans and estimate are identified by the seal of the Board and the signature of their Secretary thereunto affixed.

"Now the said Board, having referred to a Report of Mr. Hare, one of the Inspectors, and being satisfied that the proposed works are desirable, and for the benefit of the Charity do hereby order and direct, that the Governors and Trustees may complete the said works according to the said written statement, plans, and estimate, and at a cost not exceeding 7000*l.*, and may provide the amount

of such cost out of the cash balance now in their hands, on account of this Charity, and out of any future surplus income of the Charity, not required for its ordinary current expenditure.

“Sealed by order of the Board this twenty-ninth day of August, one thousand eight hundred and sixty-nine.

“H. M. VANE, *Secretary*.”

Tenders were now invited, and, on December 15th, they were opened, twelve in number, varying from 7687*l.* to 10,592*l.* The Architect advised that Meesrs. Halliday and Cane's tender at 8200*l.* should be accepted, and they signed the agreement on December 29th, undertaking to carry on the works with all prudent speed, taking great care not to remove any one ancient feature of the building. No portion of the old work was to be touched, save where serious settlement required it, and it was then to be reinstated with its weather face, stone for stone.

As the builders would be engaged for some months it was necessary to obtain temporary homes for the 12 Poor. A house in St. Martin's was fitted up for four Bedesmen and two nurses, and a cottage near at hand for two; the other four being provided with lodgings by arrangement with their friends.

A house in St. Mary's Street was taken for the Warden for two years. By permission of the Rector and Churchwardens, the Poor attended Divine Service daily, at ten o'clock, in St. Mary's Church. The work was completed by the end of 1871, its progress having been watched with the greatest interest by the inhabitants of Stamford, to whom, generally speaking, the old “*Domus Dei*” is very dear. To Mr. Fowler the highest credit is due for the marked ability with which he used a limited area. He

saved to the Borough a valuable relic of a highly interesting period, and did justice to the memory of the Founder, whose generosity was near being violently assailed by the destruction of a charming old home of God's poor.

To describe what was done, I cannot do better than use, with some few additions, the valuable statement briefly yet clearly given by one who, throughout, took the deepest interest in a work so closely connected with the story of Stamford and its ancient Charities.

"With the exception of the main building facing Broad Street, every vestige of the old premises was taken down, and of this main building about one-third part, at the western end, was in such a dilapidated and unsafe condition, owing to the movement of the clay on which it stood, that it had to be rebuilt, but precisely in the same form, on new and sufficient foundations. The porch, which was only attached to this building by contact at the south-west angle, was rebuilt as part of the wall, and now forms a suitable approach to the Hospital. The removal of the buildings, and the increased area obtained at the East end, gave greater scope for the new structure, and permitted the formation of a considerable open space of about 90 feet by 80 feet within the area of the buildings."

On the removal of the old fabric, which abutted formerly on the north side of the Chapel, the long high wall called for some support. This the architect was able to give by erecting a massive buttress with an open archway through it. At a short distance further east, is the door of access to the Warden's house, this corner forming part of the Hall and carried up in an octagonal form to the height of the main building, and then finished with a spirelet. There are three stories in the height of the house; the windows of these and the adjoining buildings, having various levels, give a

very pleasing and picturesque view when seen from the opposite end of the quadrangle.

"The Warden's House occupies the east end of the site, and groups well with the old buildings, as does also the altered porch and bell turret at the west end, the latter rising some 20 feet or so above the parapet. Between these two points the terrace, some 10 feet above the street, forms a good promenade for the inmates."

A Chamber in the porch over the entrance, lighted by a window looking east, was fitted up with shelves and cupboards, in which are stored all the ancient Deeds relating to the extensive estates of the Hospital, as well as the more modern Leases and other documents of Title. The Maps and Plans of the Hospital Estates are also cared for here, whilst in the middle of the Chamber stands the ancient Oak Chest, iron bound and having three Locks, only to be opened by the keys held by the Warden, Vicar, and selected Bedesman, in conformity with the original Statute. This Chest contains the seal of the Hospital and the Petition to Richard III., and the Charters of Henry VII. and James I.

When the alterations in the Hospital were being effected in 1869, Dean Mantell placed the whole of the ancient Charters and Deeds in the hands of Mr. Richard Sims of the British Museum, that the same might be sorted under the heads of the Parishes to which they relate, and they were put in order and deposited in separate boxes, and an Index of the whole of the documents as so tabulated was made by Mr. Sims.

"The old arrangement for the men was a series of cubicles, about 9 by 6 feet and 11 feet high, five on each side, with a central ambulatory 8 feet wide leading up to the Chapel at the eastern end, from which they are separated by a beautiful screen of oak groined over on both sides.



BROWNE'S HOSPITAL.

J. FOWLER, ARCHT.



J. FOWLER, ARCHT.

BROWNE'S HOSPITAL.

INNER COURT OF NEW BUILDINGS, LOOKING S.E.

The size of these is now marked in the pattern of the tile floor. The removal of the cubicles leaves a fine room for exercise during inclement weather 56 feet in length, lighted on each side by the old windows."

The great rise from the surface of the ground from south to north, about 20 feet, causing very different levels, the awkward shape of the site, and the desire to render the new buildings harmonious with the existing work, were the great problem for the architect, and he has fully succeeded in its solution. There are some 30 steps from the street to the front of the houses, in addition to an inclined passage, and a considerable number more to the outlet into the back street.

"In the rear of the main building is a quadrangle 80 by 53 feet ; with a broad cloister extending the whole length on the west side. This was originally of three bays only, but now of six. The bays are double and have large piers alternately with the smaller shafts, the arches being four-centred. Above these is a battlemented parapet with pinnacles to each bay resting on corbels over each of the main pillars. The cloister is continued as a covered way along the west side of the upper Court, and in front of the Cottages, with a stone parapet wall carrying an oak pent-roof, so that the whole of the inmates may walk to the Chapel and common room under cover. Behind this larger quadrangle and at a higher level, and separated by a strong retaining wall, is an upper court of about 80 by 30 feet, in its widest part, and on the north side of this are eight houses, ranges of four each, and two more on the east side. The common laundry, drying-room, and offices are in the rear of the houses, and the buildings continued by a high wall from the boundary of the Hospital next the North Street. Instead, therefore, of the cubicles as of old, each

inmate has now a good living-room 14 feet 6 inches long by 10 feet wide, with a bed-room over it of the same size, and a scullery and pantry. Nurses' rooms form part of this block, so that in cases of illness every attention is provided.

"The general outline of these buildings is much improved by the dormer windows of the bed-rooms, and the varied levels give considerable picturesqueness to the whole from whatever point the view is seen."

All honour to the Architect who designed so wisely, and preserved so carefully. "*Id facere laus est quod decet, non quod licet.*"



BROWNE'S HOSPITAL.

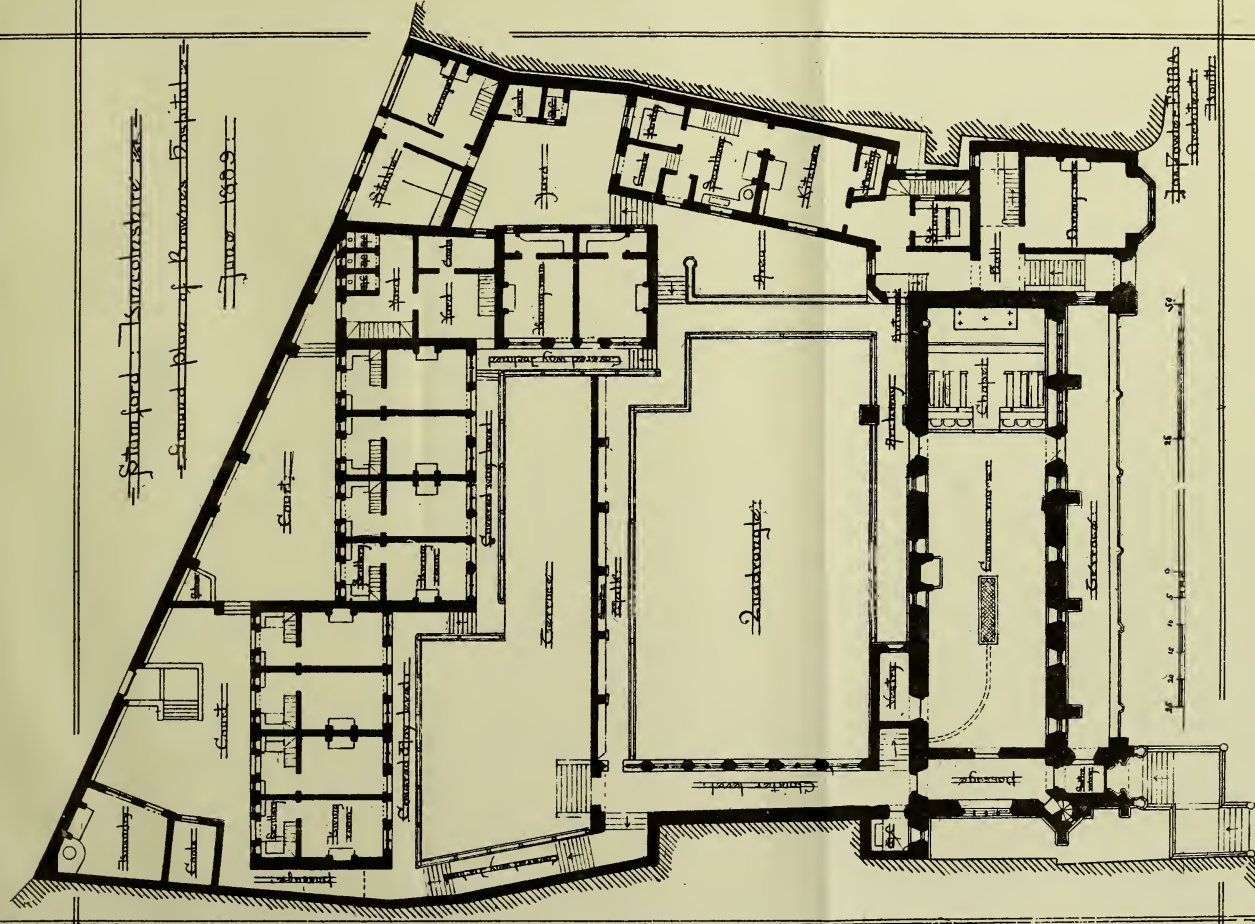
J. FOWLER, ARCHT.

INNER COURT, NEW BUILDINGS, LOOKING N.W.

Stamford - Lincolnshire

General Plan of Grounds and Buildings

June 1889



CHAPTER XII.

STAMFORD ENDOWED SCHOOLS.—THE HOSPITAL’S GIFT FOR EXTENDING EDUCATION IN STAMFORD. SKIRROW INQUIRY.

THE close of 1871 found the restoration and rebuilding of Browne’s Hospital completed, and the Trustees and Governors reasonably expected that all would now run smoothly. Indeed, they seemed to be in a position to command that happy state. They had not only ample means to meet all the wants of the Charity, but a yearly increasing balance, with which to further benefit the town. Many plans were suggested for the use of the money, but the most popular, and certainly the most sensible, was that for securing to the Borough good education for all classes.

The first move to gain that end was made by the Municipal Charity Trustees ; who addressed the following pressing appeal to the Governors of the Hospital :—

“ To the Governors of Browne’s Hospital, Stamford.

“ STAMFORD, Oct. 30, 1871.

“ GENTLEMEN,

“ By the direction of the Municipal Charity Trustees, I enclose a communication they have received from the Endowed Schools Commissioners, relative to the Stamford Grammar School.

“ The Trustees proposed to the Endowed Schools Commissioners to re-organise the School as a 1st Grade Classical School, and the Commissioners, as you will see,

object to this being done, on the ground that a 2nd Grade School would be more beneficial to the Town and Neighbourhood.

“The Trustees are decidedly of opinion that it would be a great benefit to all classes to retain the School as one of the 1st grade, but see no hope of being able to effect this, in the face of the opinion of the Commissioners, unless it can be shown, that such a School as the Commissioners recommend can be provided from some other sources ; and the Trustees therefore suggest to you, that such a School might be established out of the large *surplus funds* at your disposal. They think that the establishment of such a School would be a most beneficial application of a portion of the revenues of your Hospital ; and one that, if recommended by you, would probably meet with the approval of the Charity Commissioners, and would be a partial carrying out of the recommendation of Mr. Hare.

“A similar course has been recommended in the case of Harper’s Charity at Bedford, where it has been proposed to establish both 1st and 2nd Grade Schools out of the Funds of that Charity ; and the Trustees think that some similar scheme might well be adopted at Stamford, the present Grammar School Endowment providing for the 1st Grade School.

“I enclose a copy of the Bedford Scheme, as a sort of guide to what the Trustees propose.

“Should you feel disposed to concur in this application, the Trustees will be glad to confer with you as to the necessary details.

“I have the honour to be, Gentlemen,

“Your obedient servant,

“RICHARD THOMPSON,

“*Clerk to the Municipal Charity Trustees.*”

The Governors of the Hospital, before answering this urgent request, deemed it advisable to consult the Charity Commissioners, informing them of their readiness to accept the proposal:—

“The Governors have fully considered the application of the Municipal Charity Trustees, and they entirely concur in the opinion expressed by them, that it will be a great benefit to all classes in the Town of Stamford and its neighbourhood, that the Radcliff Endowed School should be retained as a School of the 1st Grade; and they join in the belief that, if a School of the 2nd Grade be not found for the Town of Stamford, the Radcliff Endowed School will be reduced to a School of the 2nd Grade, which would be a most serious lasting injury to the Town and the surrounding district.

“Holding these opinions, and being most anxious to promote the well-being of the town, the Governors are prepared, with the sanction of the Charity Commissioners, to give from *the surplus funds* of the Hospital *a sum of 500*l.* a year* for the endowment of a 2nd Grade School in Stamford.”

But while making this generous offer they specially and rightly stipulate “that, as their funds proceed from a religious foundation, religious teaching, in accordance with the tenets of the Established Church of England, should be maintained in this proposed 2nd Grade School, subject to the Time Conscience Clause, and that the Official Governors of the Hospital, viz., The Dean of Stamford for the time being, and the Vicar of All Saints’, Stamford, for the time being, shall be *ex officio* Trustees of the Schools to be established.”

The Charity Commissioners, while admitting “the appropriation of the annual sum of 500*l.* from the *surplus funds* of the Hospital towards the endowment and support of a 2nd Grade School in Stamford, would no doubt be a great

public benefit," state, that they have no jurisdiction to sanction such an application of the funds of the Charity, it being the province of the Endowed Schools Commissioners to decide, whether Schools of the 1st and 2nd Grade could with advantage be established at Stamford. (16 Nov., 1871).

"At a meeting of the Governors, held on the 19th of December, consent of the Endowed Schools Commissioners was notified for the establishment of 1st, 2nd, and 3rd Grade Schools in Stamford, if sufficient funds could be raised for the endowment of such schools, and a resolution was passed that :—

"Taking into consideration the desirability of establishing the three classes of Schools in Stamford, the Governors offer the sum of 1500*l.* per annum from the *surplus revenues* of the Hospital, provided that the Governors have the nomination of three Trustees of the School, and that religious instruction be given in all the schools, subject to the Conscience Table of the Endowed Schools Act."

All now being in readiness for drafting a scheme for the Schools, Mr. Hammond, Assistant Commissioner of Endowed Schools, on the 14th of March, 1872, attended the Governors of the Hospital, and discussed the terms upon which the endowment of 1500*l.* a year was offered ; and on July 4th draft schemes were forwarded to the Steward of the Hospital for distribution ; and on the 17th July, 1872, the Stamford Municipal Charity Trustees attended a meeting of the Governors of the Hospital, and considered with Mr. Hammond the whole plan for appropriating, for the furtherance of education, part of the endowment of the Hospital, and for the management of the Stamford Endowed Schools. The result was, as regards the Hospital offer, the issue (9th August, 1872) of the following scheme :—

“Whereas the Governors of Browne’s Hospital have offered the sum of 1500*l.* per annum, from the *surplus* revenues of the Hospital, towards the establishment of certain Schools in Stamford on the following conditions, that is to say :—

“(1) That the Governors of Browne’s Hospital have the nomination of three Members of the Governing Body of such Schools.

“(2) That religious instruction be given in all such Schools, subject to the provisions of Secs. 15 and 16 of the Endowed Schools Act (1889).

“1. It is hereby declared, with the consent of the Governors of Browne’s Hospital, that it is desirable to apply, for the advancement of education, an annual sum of 1500*l.* out of the endowment of this Charity.

“2. From and after the date of this scheme, the Governors of Browne’s Hospital shall pay the said annual sum of 1500*l.* to the Governing Body of the Stamford Endowed Schools, as constituted by a scheme framed by the Endowed Schools Commissioners, and entitled a ‘Scheme for the management of the Stamford Endowed Schools,’ by equal half-yearly payments of 1st of June and 1st of December each year. And the said annual sum shall be subject to the trusts of the said scheme.

“3. If, at any time, any doubt or question arises as to the proper construction or application of any of the provisions of this scheme, the Governors of Browne’s Hospital shall apply to the Charity Commissioners for their opinion and advice thereon, which opinion and advice, when given, shall be binding on the said Governors, and on the Governing Body of the Stamford Endowed Schools.

“4. The Charity Commissioners may, from time to time, in the exercise of their ordinary jurisdiction, frame schemes

for the modifying of any provisions of this scheme or otherwise, for the government or regulation of the Trusts of this Charity, provided that such schemes be not inconsistent with the conditions stated in the preamble of this scheme, or with the first clause of this scheme, or with anything contained in the Endowed Schools Act, 1869.

“5. The Governors shall cause this scheme to be printed, and a copy given to every person who shall become a Governor of Browne’s Hospital, or a Member of the Governing Body of the Stamford Endowed Schools.

“6. The date of this scheme shall be the day on which Her Majesty, by Order in Council, declares her approbation of it, or the day immediately after the date of the said scheme for the management of the Stamford Endowed Schools, whichever shall last happen.”

As soon as the draft schemes for the several foundations concerned had, in accordance with Sec. 33 of the Endowed Schools Act, 1869, been published, the Governors of the Hospital were called upon by the Endowed Schools Commissioners to sign a form of consent to the application of 1500*l.* out of the income of Browne’s Hospital, to the advancement of education. Before committing themselves it was thought prudent to consult the Charity Commissioners, so they addressed a letter (September 13, 1872) to the Secretary, couched in terms of prudent caution :—

“The Governors of the Hospital are required to sign and seal with their corporate seal a consent to the appropriation of 1500*l.* a year out of the *surplus* revenues of this Hospital, for educational purposes. But, before signing this document, the Governors are desirous that the Charity Commissioners should be made fully aware of the proposed scheme of the Endowed Schools Commissioners, in

order that, if they, on perusing the scheme, have any objection to it, they may direct the Governors to withhold their signature and the corporate seal to the consent required by the Endowed Schools Commissioners."

Owing to the Vacation and an accumulation of business, the Charity Commissioners did not send an answer for several weeks; and, when it did arrive, it simply declared that, as regards the preliminary consent of the Trustees, the Charity Commissioners had by Sec. 33 no power whatever in the matter—that, determining as to the propriety of schemes rested with the Endowed Schools Commissioners.

There being now nothing to stay proceedings, the Governors of the Hospital resolved (6th Nov. 1872), "that the seal of the Hospital and their signatures be affixed to the consent to apply 1500*l.* a year, out of the income of the Charity, for the advancement of education; and that the Endowed Schools Commissioners, by a scheme, shall declare it to be desirable to apply such endowment to that purpose."

The seal of the Hospital was thereupon affixed to the following consent, in the printed form sent down by the Commissioners, and the same was signed by the Governors:—

"Endowed Schools Act, 1869—County of Lincoln—Borough of Stamford—Browne's Hospital, Stamford.

"We, the Governing Body of the above-named endowment, are desirous of applying the annual sum of 1500*l.* out of the income thereof for the advancement of education, and hereby express our consent that the Endowed Schools Commissioners shall, by a scheme made under the provisions of the Act 32 & 33 Victoria, cap. 56, sec. 30, declare

that it is desirable to apply the same for the advancement of education.

“Given under our common seal this 6th day of November 1872.”

Although in this important document the annual gift is not notified as taken out of the “surplus revenues,” that was evidently the intention, for, throughout the previous correspondence, such proviso was always distinctly set forth, and equally so in the letter dated Nov. 6, 1872, accompanying the formal delivery of the consent into the hands of the Endowed Schools Commissioners:—

“Herewith I enclose the consent of the Governing Body of Browne’s Hospital to the appropriation of 1500*l.* a year from their *surplus* revenues, &c., &c.

“JOS. PHILLIPS.”

That letter, with its unmistakable declaration, was acknowledged by the Secretary of the Endowed Schools Commission (Nov. 7th, 1872), who informed the Hospital authorities (Jan. 18th, 1873), that “the terms having been approved of in writing by two of the Endowed Schools Commissioners, in accordance with section 48 of the Endowed Schools Act 1869, were forwarded this day to the Lords of the Committee of the Privy Council on Education. With them rested the further prosecution of the matter under the Act. In due season the several schemes for extending the Stamford Endowed Schools were approved of by Order in Council, and none rejoiced more than the Governors and Trustees of Browne’s Hospital, that the Charity was able, within and beyond the Hospital buildings, to render such substantial benefits to the borough and its neighbourhood.

The Schools were soon actively at work, and the Stamford

Endowed Schools Trustees held their meetings in the Hospital. Every effort was made by the Governors to keep down the expenses, and when, in November 1874, they generously proposed to the Charity Commissioners that the stipend of future Confraters should be reduced to 200*l.* a year, consent was readily given.

Thus all had the appearance of harmony and good will. During the period of comparative quiet the Confrater, the Rev. Robert Bateman Paul, died (6th June, 1877), and was succeeded by the Rev. Denis Edward Jones; and on September 8th, 1880, the Steward reported the death of the Rev. Charles Nevinson,* who for thirty-five years had ably watched over the interests of the Hospital. The Governors recorded on their minutes their high appreciation of his conscientious discharge of the duties of his office during the lengthened term of his Wardenship; both in attending to the spiritual wants of the inmates of the Bedehouse, and the administration of the temporalities of the Charity. He was succeeded by the Rev. W. H. Iggulden (August 17th, 1880).

About this time the town of Stamford became hotly engaged in politics. Disestablishment and disendowment of the Church was the cry of certain enthusiasts, whose influence over the unlettered and ignorant was gained by proclaiming that the poor were ground down by the rich, that dishonesty and robbery ruled over every old Charity in the land, and that no change could take place for the better until the horrible system of cruelty, oppression, and extortion had been utterly rooted out. Browne's Hospital, of which the high-minded and large-hearted were all so

* He was nephew to the Ven. Henry Kaye Bonney, D.D., Archdeacon of Lincoln, Dean of Stamford, and Fellow of Wadham College, where he took a 1st Class Lit. Hum. in 1838.

proud, came in for its share of abuse ; and no braver or bolder assailant of it adorned the municipal body than Alderman Morgan. He maintained that the restoration of the ancient buildings and supplying the Bedesmen with comfortable homes was an unwise proceeding ; that salaries, from the highest officer downwards, should be reduced, and no more appointments be made ; that, when the state of agriculture improved, the scattered real estates of the Charity should be converted into money, and the proceeds invested in the Government funds and managed by a representative body. To secure these sweeping changes the Alderman gave notice (Nov. 1881) "that, at the adjourned meeting of the Council, he should bring forward a motion for a memorial to the Charity Commissioners for an improved scheme."

The adjourned meeting took place on the 25th of November, 1881, when Alderman Morgan went "into some of the matters respecting the establishment of Browne's Hospital, and the way in which the Charity had been conducted up to the present time." He did so, he said, "to justify the step he had taken." How utterly the Alderman failed in his attempt to "justify" his conduct, we learn from the plain telling words of Councillor Addy, by which he repudiated the attack made as both uncalled-for and opposed to facts :—

"He had studied the matter as far as the limits of his time would admit, and he must say that he disagreed with much that Alderman Morgan had stated. In the first place, he has asserted that the Confrater cannot have any preferment in the Borough, and must within one month of his appointment go into residence in the Hospital. There is no truth whatever in the statement—so far from it, one of the rules of the scheme of management expressly says, 'by consent of the Bishop of Lincoln,' the Confrater can

hold another office, and, as a proof of that, the present Confrater is the Rector of St. John's Church ; and the one before him was Rector of St. Mary's Church, and neither of them was resident. Then, as to the poor inmates of the Hospital not having received any benefit from the increase of the revenues of the Hospital : so far from that being correct, at one time they lived in insignificant little holes ; they now have well-ventilated comfortable residences, such as any one might in old age be glad to inhabit. And, with respect to the salaries of the Steward and Clerk, there was no mention of any such thing in the rules—they had arisen solely through the revenues of the Hospital having reached the present large amount. As the rules did not provide for the payment of those officers, the Warden, who was supposed to manage the whole affairs, would, he felt sure, prefer to appoint those persons himself, and pay them out of his own salary rather than have that salary reduced.”

Mr. Addy concluded his remarks with a judicious warning: “With all due deference to the senior members of the Council, he did not feel sure that the Town Council had any right whatever to interfere in the Hospital affairs. Stamford had a large municipal Charity Trust, composed of its principal inhabitants. To that Trust the question should be referred, if to any one. But, as he could not discover that there had been any maladministration of the Charity, he saw no reason for interfering at all.”

The Town Clerk, Mr. Atter, confirmed Mr. Addy's view, that the Council could not conduct any inquiry—that power lay solely with the Charity Commissioners. Mr. Addy moved, “that the Memorial be not presented by the Town Council ;” but, as no one seconded the amendment, the resolution of Alderman Morgan was carried : viz.—

“That the Charity Commissioners be memorialised by

the Town Council to institute an inquiry into the existing scheme of Browne's Hospital ; with a view to alterations being made therein. That the Committee consider the subject as soon as possible, and report to the Council."

The Report was made and a Petition forthwith forwarded to the Charity Commissioners, who seem to have been too ready to encourage any agitators who cried aloud against Browne's Hospital. They, by letter dated February 6, 1882, informed the Governors, that one of their Inspectors would be sent to Stamford to investigate the position of the Charity, and report the result to them. Mr. Skirrow, the Inspector nominated, very soon applied for certain information as to the real and personal property of the Hospital, which was carefully prepared and forwarded to him.

With the hope of putting pressure upon the representative of the Commissioners, a public meeting was held on the 18th of April, at which a host of violence arrayed itself against an institution that ill deserved such ungracious treatment. Its sole crime was, that, on account of severe agricultural depression causing a serious decrease of rental, its overplus revenue was not sufficient to continue the gift of 1500*l.* a year in support of the Town Schools.

Two days after the Meeting the public inquiry took place, and "the Petition of the Mayor, Aldermen, and Capital Burgesses of the Borough of Stamford" pleaded as follows :—

"Your Memorialists hereby ask that a public inquiry by the Charity Commissioners may be made into Browne's Hospital, and the nature, objects, administration, management and results thereof ; and of the constitution of the Governing body thereof ; and of the duties of the persons connected with the said Charity ; and of the application of the property and income thereof ; and that the

existing scheme may be amended, in such manner as, by such inquiry, may to the said Commissioners be shown to be desirable, and your Memorialists will ever pray. Tuesday the 20th day of December in the year of our Lord, 1881."

The Assistant-Commissioner in opening the Inquiry said—"With regard to Browne's Hospital, it is a Charity of great antiquity, and appears to have been founded by one William Browne by letters patent from King Richard III. These were superseded by letters patent obtained from Henry VII., and the Charity was partly refounded in 1610 by letters obtained from James I. In 1854 a scheme was obtained from the Court of Chancery, and from that time until now the Hospital had been administered under that scheme, except so far as being varied by an order of the Charity Commissioners of 1875, which substituted four clauses for four other clauses in the original scheme. It also appeared that, in 1873, the Endowed Schools scheme was obtained, and under that scheme the Charity gave 1500*l.* a year to the Schools. He thought the best way to conduct this inquiry would be to go through the scheme, and see how the Charity had been managed. As far as he could judge the financial condition of the Charity was not favourable, owing, firstly, to the 1500*l.* given to the Schools, and also to the agricultural depression, and he was afraid that they would find that the present income of the Charity would not be sufficient to meet the expenses for some short time to come, owing to the reductions they had been obliged to make in the rents. They would also find that considerable sums of money had been taken from the Charity, which would have to be recouped out of income. The outlay had been incurred by orders from the Board for the erection of buildings, repairs, and other matters connected with the Charity. Besides which, 800*l.* was required to

meet certain pressing liabilities, and it was important that the amount should be obtained as soon as possible, whilst the Charity estates must be kept in proper condition—not *extravagantly*, but it was certainly most unwise to cut down expenses by allowing property to go to decay. He was open to suggestions how it would be possible to lessen the expenditure. Some leases would fall in shortly, which would, of course, increase the income of the Charity, but he was given to understand, that the great thing was the agricultural depression, and when that would cease no one could tell—so that how they were to make their income meet their expenses was really the question. It seemed, that, in 1881, the Mayor and Corporation of Stamford memorialised the Commissioners, to the effect that the expenses of management were very great. They thought that when a vacancy occurred in the Confraternity it ought to be done away with, or attached to some small cure in the town. They further wished to have part in the management of the Charity, in other words, to have Trustees appointed out of the town. But, looking at the scheme granted by the Court of Chancery, and the persons in whom patronage and appointments were vested, Trustees appointed by the town would simply be Trustees for the management of the estate. He considered the first thing they had better do was, to look into the scheme and see whether it had been duly observed, and what was the proper expenditure.

The Town Clerk being present for the Corporation, and Mr. Phillips as the Steward of Browne's Hospital, the Assistant-Commissioner inquired of them whether it was admitted that the scheme had been entirely carried out according to the directions of the Commissioners. On receiving an affirmative reply, he made a special note to that effect.

The accounts of the Hospital were then gone into, and it appeared, that the present income of the Charity was 2907*l.* 18*s.* 10*d.*, and the estimated expenses 3112*l.* 2*s.* Of that sum 285*l.* was for repairs and improvements, but Mr. Phillips stated that the extensive estates of the Hospital required at least 500*l.* a year for repairs. The restoration and rebuilding in Broad Street and other places had cost 10,000*l.*, of which sum 8883*l.* had been taken out of the estate and would have to be recouped out of the income, as opportunity offered. A note was here taken of the officers connected with the Hospital, the amount of their salaries, and the reduction made in them ; also the number of inmates, and the amount received by them. The Assistant-Commissioner then pointed out that there were nine leases that must soon fall in, owing to the age of the lessees, which it was estimated would produce 474*l.* a year, whereas now the rents amounted to only 90*l.* 5*s.* 6*d.*, but at present the Charity was 386*l.* 18*s.* 3*d.* to the bad, and he wished to know what they proposed to do to meet that deficiency.

Mr. Phillips said the only suggestion made by the Governors of the Hospital was, when they applied in February last to the Charity Commissioners, that they might temporarily be relieved from the payment of part of the 1500*l.* a year to the Schools. They were told that could not be done, and had therefore nothing more to propose.

Some further discussion was carried on concerning the finance of the Hospital, and then the Town Clerk was asked to state the views of the Corporation and of himself, and any suggestions he had to make.

Unhappily for Mr. Atter, who had evidently taken considerable pains in the matter, he greatly weakened his position by uselessly wandering back into olden times, discussing duties and regulations with which the inquiry was

in no way concerned. All such questions had been duly considered by the Court of Chancery before sanctioning the Scheme of 1854, and by the Charity Commissioners, the Endowed Schools Commissioners, and by the Lords of the Committee of the Privy Council, before the Hospital's generous gift for furthering education in Stamford was sanctioned. Certainly, when Mr. Atter did suggest, all must admit that he suggested boldly, if not wisely. He would abolish the offices of Warden and Confrater, and so save 687*l.* a year. They were useless encumbrances, of no service whatever for the benefit of the inhabitants generally. The governing body he would increase by adding the ex-Mayor and five additional Trustees, to be appointed by the Town Council. In conclusion he made the following sweeping proposal :—" Having regard to the amount of money spent upon this so-called Charity, which he had shown was scarcely a charity at all, but a mere fancy sort of business, carried on for the benefit of architects, agents, surveyors, and parsons (he did not say that offensively), the poor getting a bare tittle out of it—he asked whether it was not advisable that the existing scheme should be altered on the lines he had mentioned ; and that the scattered estates belonging to the Trust should be sold, and the money invested, and the income therefrom applied for really charitable purposes, amongst needy old men, needy clergymen, and others."

The Assistant-Commissioner evidently was in no way moved by the Town Clerk's long and somewhat wearying address. He quietly observed, that "the Court of Chancery had settled a scheme in 1853, and he was not inclined to go beyond that scheme. The Court had full knowledge of the foundation."

The Inquiry having been continued for a short time

after luncheon, Mr. Bettle (a Member of the Town Council), just before the Meeting closed, laid before the Commission certain resolutions passed at a public meeting ; upon which Mr. Evans critically observed, "That meeting in no way represented the opinion of the town on the matter. He would undertake within a week to call together a far larger meeting, and pass resolutions diametrically opposed to those just presented."

Mr. Skirrow had visited the Hospital before the Meeting, and was well aware how admirably the Charity was conducted, and how delicately careful was the Warden of its every interest. He must have been little disposed to disturb a machinery which produced such valuable results, or to condemn the Governors and Officers for a decrease of revenue caused solely by the depressed state of agriculture.

On closing the Inquiry he intimated that he would represent to the Charity Commissioners all that had been said, and added that "he need hardly observe that he had not expressed, nor was he entitled to express, any opinion as to what would be done in the matter. His duty was simply to report what had taken place, and he thanked all present for their kindness and attention."

The Report was duly made—nothing whatever was done.
"Parturiunt montes, nascetur ridiculus mus."

CHAPTER XIII.

AGRICULTURAL DEPRESSION AND DECREASE OF THE
HOSPITAL REVENUES. A NEW INQUIRY BY DIRECTION
OF THE ATTORNEY-GENERAL. THE DECISION OF
MR. JUSTICE CHITTY.

EVIL rather than good resulted from Mr. Skirrow's Inquiry. It tended to nurture a bitter party spirit in the Borough. True the excitement calmed down, and the Hospital worked on with its wonted earnestness; but the Governors knew full well that, on the first favourable opportunity, the attack would be renewed, and that, when it came, the Charity Commissioners would be on the side of the disturbers. They seemed to be ever on the alert to worry. The Reverend Denis Edward Jones, Confrater, died on the 17th of March, 1883, and forthwith came a request from them to the Governors not to appoint a successor.

"To the Governors of Browne's Hospital, Stamford.

CHARITY COMMISSION, WHITEHALL, S.W.,
March, 21, 1883.

GENTLEMEN,

"The attention of the Board having been called to the circumstances of the death of the Confrater, I am directed by the Committee to intimate to you, that it will be proper to suspend the appointment of any person to fill the office, having regard to the present condition of the Charity, and

the necessity of the establishment of a new scheme with the smallest possible delay.

"I am, Gentlemen, your obedient Servant,

"HENRY M. VANE.

"*Secretary.*"

To this unreasonable request the Dean of Stamford, on the part of the Trustees, gave the following reply:—

"*To the Secretary, Charity Commission, Whitehall.*

"PARKBURY LODGE, ST. ALBANS,

"*March 27, 1883.*

"SIR,

"I beg to inform you that, on Monday last, the 19th instant, I, as Dean of Stamford, and the Reverend Charles Oldfield, as Vicar of All Saints', Stamford, met, and, under the power vested in us respectively by the Statutes of Browne's Hospital, decided on appointing the Reverend Henry B. Browning, the Rector of St. George's, Stamford, as Confrater of the said Hospital, vacant by the death of the Reverend D. E. Jones, late Confrater thereof; and accordingly, believing from our long personal knowledge of him that he was a fit and eligible person for the office, proceeded by legal deed to appoint him thereto.

"Your letter from the Board to the Governors of the Hospital came to hand after the appointment had been settled, and it appears to have escaped the attention of the Commissioners that the Governors, *quâ* Governors, have nothing to do with the appointment of Confrater, and that the *appointors* are clearly defined in the 7th and 8th Sections of the scheme of 1854, viz.: in the Dean of Stamford and the Vicar of All Saints', for 14 days; failing their joint appointment, in the heir of William Browne the founder, for 14 days; failing his, in the Mayor of Stamford, for

14 days ; and failing appointment by him, in the Bishop of Lincoln, for 14 days ; and, on his failing to appoint, the same succession of appointment is provided for until the vacancy is filled up.

“I may also remind the Board, that the Corporate character of the Charity must be preserved by the appointment of a Confrater.

“I am, Sir, yours faithfully,

“EDWARD R. MANTELL.

“*Dean of Stamford.*”

This unreadiness to subjection was sharply resented by the Commissioners. In 1882, the Hospital had applied for a loan to meet expenses attending the allotment and fencing of certain lands. The Commissioners refused, on the ground that there could be no application of capital without provision for repayment within 30 years, but that, “on the application of the governing body for a scheme, the Board would be prepared to frame a scheme for such future administration of the Charity, as shall provide the funds needed, and secure their due repayment.”

In October, 1883, the Hospital again applied for a loan for the further expenses connected with the enclosure of part of the Hospital estate, undertaking, according to the requirement of the Board, to replace the amount within 30 years. It now appeared that it was not the security of the money, but a new scheme, the Commissioners aimed at. “They would give no direction for raising the sum required, until a new scheme was applied for, and provision made for payment of the existing claims on the Charity in due order.”

The next act of injustice on the part of the Commissioners was their want of open dealing with respect to the

grant of 1500*l.* to the Stamford Endowed Schools. On the 1st of December, 1883, the Governors of the Schools represented to the Commissioners, “that, unless the arrears were paid by the Hospital and the full amount provided each year in the future, they could not continue to carry on the Schools;” and added, “that it seemed an important question, whether the sum of 1500*l.*, payable to the Schools from Browne’s Hospital, is a primary charge or not.”

The Commissioners were perfectly aware that the generous gift, so readily and so heartily offered, was payable only so long as the surplus revenues of Browne’s Hospital permitted; yet by letter, dated, 15th December, 1883, they informed the Governors that such question could only be answered upon an application by the Hospital, under Section 3 of the Endowed School Scheme of 26th June, 1873, which provides that, “if at any time any doubt or question arises as to the proper construction or application of any of the provisions, the Governors of the Hospital shall apply to the Charity Commissioners for their opinion and advice thereon.” A letter of the same date invited the Governors of the Hospital to apply for such opinion.

The application would evidently have suited the Commissioners, but it would have seriously compromised the Hospital, nay, it would have endangered its very existence. The Steward was, therefore, directed to send the following reply to the Board :—

“To the Secretary of the Board of Charity Commission.

“SIR,

“STAMFORD, Jan. 3, 1884.

“I have laid your letter of December 15 last before the monthly meeting of the Governors of Browne’s Hospital held to-day, and I am directed to say, that no doubt or

question exists in the minds of the Governors, as to whether the annual sum of 1500*l.*, payable from the surplus revenues of the Hospital to the Stamford Endowed Schools, constitutes a first charge on the endowment of the Hospital, or is subject, and in what degree, to the necessary disbursements on account of the Hospital; and, therefore, the Hospital Governors have no need to apply to the Charity Commissioners for their opinion and advice on the point.

“The first offer of 500*l.* a year for school endowment, made to the Board on November 3rd, 1871, expressed that such annual sum was to be given from the *surplus* funds of the Hospital. Every succeeding communication expressed that the increased annual payment offered was to be made from the *surplus* revenues of the Hospital, and the terms of the gift are recognised by the Scheme approved in 1873.

“I am, Sir, yr. obedt. Servant,

“JOS. PHILLIPS.”

The unexpected failure of the Hospital resources was a serious trial to the Schools of Stamford. The Hospital felt this, and was most ready to accept any reasonable plan for alleviating the trouble. On the 16th May, the Governors of the Schools forwarded to the Governors of the Hospital a copy of a letter from the Charity Commissioners, dated April 5th, informing them that the Board would, on application of the Governors of the Hospital, be prepared to sanction provision being made for the payment of the sum of 750*l.* still due to the Endowed Schools Fund. The proposal was favourably received, and the Steward was directed, on behalf of the Hospital, to apply to the Charity Commissioners to sanction provision being made for paying the sum of 747*l.* 4*s.* 9*d.* to the Endowed Schools, in discharge of all

arrears due from surplus income up to Christmas, 1883, and by a further order, dated 9th August, 1884, a second payment was made, the two sums amounting to 1511*l.* 1*s.* 1*d.*

But, while being thus liberal and considerate, the Governors had to be cautious. They, therefore, to avoid any misunderstanding, instructed the Steward to warn the Endowed Schools Trustees, that “the Hospital Estate is, from agricultural depression, in such a condition as to make the income very uncertain, and to give grave cause for doubt whether the surplus income can be depended upon to reach 1000*l.* a year ; and to intimate to them that the Hospital Governors will not incur debt, but will make the payments only when they have money in hand.”

It was during this year of anxiety, and worry, and unceasing watchfulness, the Hospital experienced a heavy loss by the death (May 29th, 1884) of the Rev. Edward Reginald Mantell, Rector of Gretford, Prebend of Louth, and Dean of Stamford. His body was brought from Parkbury, near St. Albans, on June 2nd, and placed in the lower room of the Hospital for the night, and on June 3rd was buried in the Stamford Cemetery. He was a man of great firmness of purpose, delicate integrity, and shrewd discerning intellect. He had been a true and valued friend to the Charity, for which he entertained the warmest affection ; and on the minutes of the Hospital we find gratefully recorded :—“The Governors wish to express the highest appreciation of the services rendered by Dean Mantell, by his assiduous attention to the business of the Hospital, and in the administration of its estates for more than twenty-one years.”

The Rev. William Wathen Howard, M.A., Rector of Market Deeping, was *collated* by the Bishop of Lincoln to the Deanery of Stamford, on June 20th, 1884, and, on

July 9th attended in his official capacity as a Governor of the Charity, and took the chair at the Meeting.

The Hospital authorities now found that it was more than ever necessary to protect the Charity against the unscrupulous attacks and designs of the Charity Commissioners. The select Committee of the House of Commons, on the Charitable Trusts Acts, on May 2nd, 1884, had heard Mr. Henry Longley, a *Charity Commissioner*, give evidence which palpably exhibited a bitter spirit against the Hospital, and a lamentable ignorance of the powers of the Trustees.

He first implied that the Warden and Confrater were too highly paid, and then added, that valuable advice had been in vain offered to the Trustees with respect to one of those officers: "When the Trustees came to us in their financial difficulties we pointed out to them that the right thing to do was, particularly as one of those offices was vacant, to abolish or suspend the office of Confrater, in order to make both ends meet; but they have refused over and over again to make any application whatever, so as to enable us to apply what we think an obvious remedy to their financial difficulties, and, in spite of our remonstrances, they have filled up the office of Confrater."

Curiously enough the Hospital had no "financial difficulties." The Trustees had only to lament that the Charity could not give away all that the Schools of Stamford required. Then, again, Mr. Longley knew full well that the salaries of the Warden and Confrater had been fixed by the scheme of 1854 at 375*l.*, and 300*l.*, and that the Confrater's stipend had been reduced to 200*l.* a year at the suggestion of the Hospital Trustees. Not a word was said of that, but, in place thereof, this Member of the great Charity Commission assailed virulently the Trustees

because they would not follow advice based upon utter ignorance of the law. Mr. Longley did not even know that nothing less than an Act of Parliament could enable the Trustees of Browne's Hospital to “abolish or suspend the office of Confrater.”

When the Chairman, Mr. Shaw Lefevre, observed that the majority of the Trustees appear to have consented to a diversion of a considerable proportion of the funds, under the 30th Clause of the Endowed Schools Act, 1869, the animus of the witness was shown by the answer, “Yes ; I think they regret it now, under the present financial difficulties.” In good truth, men in high places at times do themselves little justice.

When the Commissioners found that the Governors of the Hospital were determined to maintain their rights and obey the law—that nothing would induce them to betray the sacred trust committed to their charge—they, as their last resource, certified the case of the Charity to Her Majesty's Attorney-General, that it might receive a judicial investigation, with the view of satisfactorily determining :—

“1. Whether, according to the true interpretation of the said Endowed School Schemes of 1873, the payment by the Hospital Governors to the School Governors of the sum of 1500*l.* per annum must be held to be a primary charge upon the funds of Browne's Hospital ; and if not, to what annual sum the School Governors are entitled.

“2. Whether a new scheme has not become necessary for the management of the Hospital.”

It seems hardly credible that a body of highly-educated men, supposed to be one and all moved by the purest dictates of honour, having various records in their possession, all testifying distinctly that the Governors gave of their *surplus* revenues to the Schools, could allow the Charity,

that had behaved so nobly, to be so unjustly harassed. The spirit actuating the Commissioners is seen clearly throughout the Statement accompanying the Certificate. All that can be suggested against the Hospital is cleverly gathered together in a concentrated form ; and yet—is it possible? —the question as to primary charge is decided by Clause 4 of the Statement, which specifies that the gift of the Hospital was from “its *surplus* revenues,” and from them only.

Before the Attorney-General took the case to the High Court of Justice he deemed it desirable that his Solicitor, Mr. Clabon, should hold a public inquiry at Stamford. A notice was given to the Hospital that such Inquiry would be held on August 29th, 1885. Statistics, papers, and information, as requested, were supplied by the Steward ; but, from various causes, the Inquiry was delayed until January 9th, 1886, when, after full notice, the Mayor, the Dean of Stamford, and the Vicar of All Saints’ (being the three Trustees), J. E. Atter (representing the Town Council), R. M. English (representing the Governors of the Endowed Schools), several Aldermen and Town Councillors of Stamford, and a goodly number of the inhabitants, assembled in the Town Hall. The attendance was not nearly so large as anticipated.

The Solicitor, having made some preliminary remarks with respect to the object of the Meeting, proceeded to read the Statement which the Charity Commissioners had appended to the Certificate. It was a condensed account of all that had taken place with respect to Browne’s Hospital since the establishment of the Scheme of 1854, avoiding carefully anything favourable to the Charity. He then read the following suggestions from the Town Council, which, he said, had been received by the Attorney-General :—

“1. That the Governing Body of the Charity consist of seven persons as under:—The Dean of Stamford, the Vicar of All Saints’, Stamford, the Mayor of Stamford—the ex-Mayor of Stamford—for the time being; a Justice of the Peace for the said borough (not being the Mayor or ex-Mayor) to be annually elected by the Borough Justices; and two persons to be annually elected by the Town Council of the Borough of Stamford.

“2 That the office of Confrater shall cease upon and from the next vacancy in such office.

“3. That the salary of each future Warden shall be a clear yearly sum of 250*l.*, with house rent free, and free from the cost of the external repairs of the house.

“4. That the appointment of the Warden be vested in the governing body of the Charity.

“5. That the persons to be nominated Poor persons of the Hospital be such as are contemplated by Clause 10 of the Scheme of 1854, and that such persons be nominated and elected by the governing body of the Charity, and that in such election no preference whatever be given to any religious denomination. The benefits of the Charity to be open to the poor of all classes without distinction.

“6. That the payment to each Poor person shall be 7*s.* per week, with lodging, clothing, and attendance as heretofore, but that, as and when the net revenues of the Hospital admit thereof, the payment be increased to a sum not exceeding 10*s.* a week.

“7. That any of such Poor persons may, at his own free will, between the hours of 6 A.M. and 9 P.M., and, after proper notification of the wish of such person to attend divine service at any public place of worship in Stamford, attend such place, and Clause 28 of the said scheme shall be amended to meet the intent of this clause.

"8. That all accounts shall be properly audited once in each year by an Auditor, to be appointed by the governing body of the Charity, and a reasonable sum be allowed to such Auditor, but that no payment to any Governor or Warden shall, under Section 39 or otherwise of such scheme, be allowed in respect of such audit.

"9. That Clause 40 of the said scheme be amended, by providing that each abstract of account shall state the then estimated or actual assets and liabilities of the Charity, and of what the same respectively consist.

"10. That so much of the Endowed Schools Scheme of 1873 as relates to the Charity be not altered.

"11. That if, and whenever, the funds of the Charity admit thereof, the surplus annual revenue of such funds be applied to the advancement of the children of the poor attending public elementary schools in Stamford.

"12. That no payment for salaries to the existing Confrater be made out of the corpus or capital funds of the Charity."

The Solicitor now remarked that, having placed before them all the matters relating to the Charity, it only remained for him to tell them the opinion which had been expressed by the Attorney-General on the subject. He thought the 1500*l.* per year was payable only out of the surplus income of Browne's Hospital, and, consequently, that it had not priority over the non-educational purposes of the Charity. He considered there were grounds for holding the present scheme might be amended, and therefore thought the usual local inquiry might be held as a preliminary for settling the scheme. This could be done, as far as regards the non-educational part of the charity, upon the application to amend the Scheme of 1873, if any be made. Raising the question of the alleged priority of the

1500*l.* must not, however, be deemed by the Governors of the School as encouraging them in taking that course. He thought he might suggest to them the three principal questions were (1) as to the right of the Trustees of the Endowed Schools to hold 1500*l.* in priority, or whether they were only entitled to what surplus there might be ; (2) the question of adding to the Trustees ; (3) whether two clergymen were necessary for carrying on the work of the Charity. There was one more, however, which was raised by the Rector of Swayfield, who had this extent of interest in the Charity—the Hospital had property in his parish which, he thought, came to about 700*l.* per year, and he considered, in respect of that, his parish ought to have some benefit from the Charity.

The Rector's letter is a sharp reproof of the Town Council and their coadjutors in the attack on Browne's Hospital. It shows what Stamford receives and the ungrateful return it has made :—

" To J. M. Clabon, Esq.

" SWAYFIELD RECTORY, GRANTHAM,

" Jan. 8, 1886.

" SIR,

" Illness will, I fear, prevent my attendance at your inquiry to-morrow, re Browne's Hospital, Stamford ; and I trust it is not out of order to communicate to you in writing the substance of some suggestions which I had hoped to make in person. The Stamford people appear to others, who have strong local claims on the Hospital Charity, to be somewhat unreasonable in their demands, both as to the Hospital funds, and the control of the Charity. Already the government seems to be altogether in their hands—the Dean, Mayor, and Vicar of All Saints', Stamford, constituting

the existing body of Governors. The town also receives 1500*l.* per annum for educational purposes (i. e. over three times its whole rental to the Hospital) ; besides having its poor preferentially—I might almost say exclusively—admitted as inmates of the Bede House. If the revenue of the Charity be considered, as to its source, it will be seen at a glance that more than one rural parish contributes a sum largely in excess of the amount derived from Stamford. Several such parishes, in fact, supply the bulk of the income of the Hospital, and are without any representation on the governing body ; not to speak of any participation in its revenue. As Rector of, perhaps, the principal contributory parish (Swayfield), I venture to suggest that, in any scheme for the enlargement of the governing body, due regard be had to local claims ; namely, of the rural districts in which the Hospital property is mainly situated. Stamford, as we venture to think, has far more than a just proportion of both influence and income, as matters now stand, without any future addition to either. Our local acquaintance with the actual condition of matters affecting the interests of the Hospital would, I humbly presume, be of some practical value in the guidance of its affairs.

“ I am, Sir,

“ Your obedient servant,

“ R. E. COOPER,

“Rector of Swayfield, Lincolnshire.”

The Solicitor, having read Mr. Cooper's letter, made no further comment on it, but concluded with an expression of readiness to hear any one who wished to address the meeting.

Mr. Atter, the Town Clerk, at great length and with much warmth, appealed for a new scheme. His address was chiefly a repetition of what he had urged at the public

inquiry before Mr. Skirrow in 1882, and it added nothing whatever to the facts already well before Mr. Clabon.

Mr. Langley (as Clerk to the Endowed Schools) handed the Commissioners a copy of the following minute:—

“That the Clerk be directed to attend the meeting at the Town Hall on August 29, and, on the part of the Governors of the Stamford Endowed Schools, to hand in to Mr. Clabon a copy of the following resolution:—‘That under the present scheme three schools, Ratcliffe and Browne’s Boys’ School, Browne’s Girls’ School, and the Endowed Elementary School, are dependent on the payment made by the Governors of Browne’s Hospital for a large proportion of their income; that this payment was originally fixed by the scheme of 1873 at 1500*l.* a year; that the payment actually made by the Governors of Browne’s Hospital, for the past year, 1884, was a part only of the specified income, amounting to 800*l.*; that, in consequence of the reduced payment, the governors of the Schools have been obliged to suppress many of the scholarships and exhibitions ordered by the scheme of 1882; that any further reduction of the payment from the Governors of Browne’s Hospital must necessarily lead to the closing of one or more of the Schools of the foundation; that the Governors of the Stamford Endowed Schools beg respectfully to urge, that, in any re-arrangement of the matters of Browne’s Hospital, the interests of the Schools may be borne in mind, and to submit that, the original grant of 1500*l.* per annum should be definitely secured for the use and benefit of the Stamford Schools.’”

Mr. English, the Solicitor of the Endowed Schools Trustees, in support of the resolution, observed that “it was scarcely necessary for him to point out the vital importance of the inquiry to the Governors of the Endowed Schools.

Practically their very existence depends upon the endowment they received from the funds of the Charity of Browne's Hospital. The position of the Governors of the Schools was shortly this. In 1873 a scheme was formed, by which the governing body of the Hospital were to pay the Governors of the Schools 1500*l.* a year. Upon the faith of that payment being made, the Governors established three schools. They had also built schools, and established exhibitions and scholarships; and, as the Commissioners had been before informed, if the Governors of the Schools had not this income ensured to them in the future, it would be almost necessary and compulsory upon them to close the schools or otherwise greatly curtail their expenses."

The meeting virtually concluded with the appeal of Mr. English. A conversation ensued, in which the Town Clerk took a prominent part; but nothing was elicited, save that, on the testimony of an old Grammar School boy, Mr. Lowless, in 1864, a large number of boys (90) received an excellent education free, whereas of late, with the liberal grant of 1500*l.* a year from the Hospital, only about half the number were educated, and they paid more for their instruction than at any private school in the town.

Mr. Clabon having sent in his Report, no active steps were taken by the Attorney-General until nearly three months had elapsed, when the Hospital Corporation and the Governors of the Schools were summoned to attend before Mr. Justice Chitty, upon an application to be made by the Attorney-General in the matter of the Charity. A copy of the Summons was produced April 1st, 1886, and a resolution was at once passed by the Governors, "that Mr. Joseph Phillips be authorised to appear on such application on behalf of the Trustees of the Hospital, and that the seal

of the Hospital be affixed to a retainer to Mr. Phillips to act on behalf of the Hospital."

All was quiet with the Charity, while the law was taking its slow course. The discipline was excellent, the Poor well housed and well satisfied, and the management of the estates and keeping the accounts by the Warden, an accomplished man of business, nearly perfection. Its bitterest foe was compelled to admit its wise government. Only once was any movement made by the School Governors with respect to the annual deficiency of the endowment of 1500*l.* a year. A letter was received from the Clerk to the School Governors, explaining an application made by him on December 24th, 1886; to which the Hospital Governors sent the following reply:—

"To W. Langley, Esq., Clerk to the Stamford Endowed Schools Trustees.

"STAMFORD, March 31, 1887.

"DEAR SIR,

"Your letter of the 30th inst., explaining that the School Governors intended, by your letter of December 24th last, to inquire when the sums left unpaid of the endowment created by the Scheme of June 26th, 1873 (No. 153) were likely to be paid, was laid before the Hospital Governors at their meeting held to-day; and I was directed to inform the School Governors that, as the income of the Hospital Estates is not increasing, and does not seem likely at present to increase, it is not probable that the full endowment of 1500*l.* a year from the surplus revenue of the Hospital will be paid for some years, and that it is utterly impossible to calculate when a surplus above 1500*l.* a year will arise.

"The Hospital Governors wished the School Governors to

be reminded that, in the suit instituted against the Hospital respecting the construction of the above-mentioned scheme, one of the questions to be submitted to the Judge is 'Whether, in case in any year such surplus income shall exceed 1500*l.*, the excess is applicable to make good any deficiency of surplus income in previous years?' The decision of the Judge on that point will set the question at rest.

"Yrs. truly,

"JOS. PHILLIPS."

Nine long months elapsed before that decision was given. On January 18th, 1888, Mr. Justice Chitty delivered judgment in the following clear and careful wording:—

"The question is whether the 1500*l.*, which is to come out of the endowment of the Browne's Hospital Charity for the benefit of the Schools, that is, the Educational Charity, is payable out of the surplus income of the endowment; or whether it is payable at all events out of the income of the endowment.

"The facts lie in a small compass. The original Foundation was a Hospital, or what may be called an Almshouse Charity of ancient date, and, under the 30th Section of the Endowed Schools Act of 1869, Parliament conferred a power upon the Commissioners in certain cases, with the consent of the governing body, to make an additional scheme, to put it shortly. But the matters or purposes, which are dealt with in this 30th section, are, so far as material to this case, when the purposes have failed altogether, or become difficult in comparison with the magnitude of the endowment, if originally given to charitable uses before the year 1880. When the Endowed Schools Commissioners acted under their statutory power there was a large surplus income. I mean there was a

considerable sum over and above what was required for the purposes of the Hospital Charity, as constituted under the scheme of 1854.

“Now, in construing the scheme that was made by the Endowed Schools Commissioners, and which became binding by virtue of the proceedings being properly taken in accordance with the other sections of the Acts, to which I need not refer (the scheme was approved in 1873), it was an essential part of that scheme that it should be made with the consent of the Governors. No doubt the scheme itself cannot now be questioned by virtue of the various sections I was referring to a moment ago, viz., the 45th, 46th, and 47th; and the Governors of the Hospital clearly did consent to that scheme; but the question is, how am I to interpret that scheme as a whole, having regard also to the fact that, without the consent of the Governors, the scheme could not and would not have been valid? The scheme, as I have said, is a scheme of 1873 and it is very short. It begins by a recital:—

“‘Whereas the Governors of Browne’s Hospital have offered the sum of 1500*l.* per annum, from the surplus revenues of the Hospital, towards the establishment of certain schools at Stamford upon the following conditions.’ Then two conditions are stated. Thereupon the scheme proceeds to declare, in the first section, with the consent of these Governors, that it is desirable to apply, for the advancement of education, an annual sum of 1500*l.* out of the endowment of the Charity. Unquestionably it was desirable, as the scheme states; and the scheme does not, in this first Section, say what annual sum, but merely ‘an annual sum’ out of the endowment of the Charity.

“The second clause is the one upon which the question depends. Of course I have before me the ordinary technical

argument that, where the operative part of the deed or instrument is clear, it cannot be controlled by a recital, and it cannot be controlled by an ambiguous recital ; but there is no reason why, in construing an instrument, the Court should not read the whole of it ; and if the operative part contains a reference to the recital, the recital becomes most material. Now the 2nd section or clause runs thus : ‘ From and after the date of this scheme the Governors of Browne’s Hospital (it must mean the Governors), shall, &c., &c., &c., [read to the words] ‘ Endowed Schools by equal half-yearly payments, and the annual sum to be paid is to be subject to the Trusts of the Scheme, i.e. the Scheme for the Endowed Schools. Now what is to be paid out is ‘ the said annual sum.’ I do not think, on the mere technical rules of construction, I should be right in confining ‘ the said annual sum ’ to the sum that is mentioned in the 1st clause, and which it is desirable to apply ; it seems to me the right thing, and particularly having regard to such a case as this, where the scheme is founded on the consent of the Governors, to see what the Governors themselves propose—in other words, to go back to the recital. Now I find the recital is clear. The Governors offered to pay the 1500*l.* from the surplus revenues of the Hospital, and that which is stated there as an offer is the offer which is accepted, and it appears to me that the consent, as shown on the face of this document, which was given by the Governors, was a consent to pay out of the *surplus* revenues and nothing else. Then, as I say, upon what may be called the strictest lines of interpretation, I think I should be justified in holding, as I do, that the said annual sum of 1500*l.* means the annual sum which the Governors propose. That, I think, is the fair and proper legal construction of this taken as a whole, whether I am looking at it in a highly technical sense, or whether I am reading the instrument, as

I do in fact, as a whole, with a desire of finding out what is the true meaning of the scheme itself.

“I hold, therefore, that the sum of 1500*l.* is payable out of the *surplus* income, and only out of the *surplus* income.”

Mr. RUSSELL (for the Attorney-General) : “Your Lordship will declare, then, in the terms of the question?”

Mr. Justice CHITTY : “I need not add that the Court, of course, holds an even hand between these two institutions. I have no right to favour, nor any desire to favour, the Hospital more than the Educational Charity, nor the Educational Charity more than the Hospital. It is a matter of regret that the income has fallen so that the general fund is not sufficient to supply the demand. I am not concerned in that. I only have to construe this document as it stands.”

The document having been duly construed and judgment delivered, Mr. Russell, as representing the Attorney-General, brought before the Court an application to settle a scheme for the Almshouse part of the Charity. He was at once asked, “Why a new scheme was required,” and in reply stated that the Attorney-General, who had informed himself from the usual source, first, by certificate of the Charity Commissioners, and secondly, by the result of local inquiry, found that there was in his opinion an excess of expenditure upon the salaries of officials, as settled by the scheme and upon the salaries of agents. Mr. Romer, Q.C., for the Hospital, having addressed the Court in opposition to Mr. Russell’s arguments, and Mr. Yate Lee on behalf of the Bishop of Lincoln, Mr. Russell claimed, that when the Attorney-General was dealing with Charities, he ought at least to have very fair and distinct notice if he was to be opposed tooth and nail in the proposition he was bringing before the Court. He therefore requested that the case might stand over.

Mr. Justice CHITTY here observed, "Yes I can let it stand over if you want it to, although I do not particularly desire to do that ; but I ought to do it as a matter of justice, if the Attorney-General presses it, and thinks there are good grounds for having a scheme. The Attorney-General of course is not a Judge, but the Attorney-General's voice is raised in the public interest ; and though I agree that there are successive Attorney-Generals, as I have no doubt there are successive Judges, yet what the Attorney-General puts before the Court ought to be attended to, because he comes as a public officer, not for his own interest, but, generally, as representing the Crown on occasions of this kind, and in respect of his office. I am not at the present moment very strongly impressed with the case you have made, but there may be more in it than I see, and, in that case, it might be right to let it stand over for you to consider it, and bring forward further evidence if you like.

"I cannot say that I will hear the case, and then say whether it shall stand over for further evidence. If you will ask me now, that you may be at liberty to put in evidence, if you think you can strengthen your case in some particulars in which you have been taken by surprise, I will assent to that at once."

The offer having been generally accepted, his Lordship thus concluded, "Let the case stand over generally, with liberty to apply for it to be restored. I give either side liberty to put in further evidence, and they may make use of that. Then the Attorney-General may in his discretion receive a statement from the other side, as to what they are willing to concede, or what their views are.

"The case will come before me without the slightest prejudice as to anything that has taken place up to the present moment, whatever you do. The rest stands over."

CHAPTER XIV.

APPLICATION FOR A NEW SCHEME.

THE decision of the High Court of Judicature in favour of the Hospital, with respect to the yearly gift to the Endowed Schools, was precisely what was expected by the unprejudiced—indeed it was a result which, of necessity, followed the careful scrutiny of a dispassionate legal mind. Throughout the hearing, the Charity was shown to be under admirable management ; its rule, in all directions, wise and successful ; its Governors as generous as they were painstaking and careful. All this must have been very evident to the discerning mind of one who sat to give righteous judgment. Mr. Justice Chitty at once threw his protecting arm over the Hospital, and preserved it from destruction.

To some, the verdict was far from acceptable. The Charity Commissioners, whose representative, as we have seen, had, before a Committee of the House of Commons in 1884, implied much ill-will against the Hospital, now welcomed and encouraged further proceedings ; the Governors of the Endowed Schools of Stamford were indignant, in that they had not been allowed selfishly to cripple an institution, which for 400 years had been the pride of the town ; and, as to the Town Council, certain of its members were bitterly disappointed when they found all their carefully conducted efforts end in utter failure.

The first and most important question having been decided, and the old Charity saved, a second had to be

considered, viz., whether there should be a new scheme. The case was argued before Mr. Justice Chitty, on the 25th of January, 1889.

Sir H. DAVEY, Q.C., appearing for the Attorney-General, said, that when the matter was previously before the Court it stood over for the purpose of enabling a new scheme to be brought forward and adopted. He, therefore, asked his Lordship to adopt a new scheme, dealing first with the number of new Trustees. There were only three Trustees under the old scheme, and it was palpably most inconvenient to have so limited a number to deal with the disposition of the income of the Charity. At present the Dean of Stamford, the Vicar of All Saints', Stamford, and the Mayor of Stamford, had charge of the institution. The Mayor changed from year to year, and the Vicar and Dean were liable to infirmities, which might at any time prevent them from discharging their duties. The only other Trustee was the Mayor of the Borough but his office was changed from year to year. And there was this further inconvenience, the Mayor was sometimes not in harmony with the Vicar and Dean, and sometimes he did not attend meetings at all. The Attorney-General now submitted, that the time had arrived when a change ought to be effected in the governing body. The Mayor's view was, that the Corporation should be vested in Trustees. At present the Dean and the Vicar constituted the principal officers. No doubt the Warden and Confrater were Wardens of the Corporation, and the Court, in executing its charitable trust and jurisdiction, had no power to abolish or alter its constitution; but he asked the Court further to consider, whether, having regard to the interests of the Charity, the Confrater's remuneration should not approach more nearly to the service which he rendered.

On the part of the Attorney-General he desired to take the highest position, and to remark that a case had been made out for reconstituting the governing body, and also for rendering the expenses of management in proportion to the actual charitable results achieved. His Lordship had, no doubt, power to adopt a new scheme ; and, if he found that the officers of the corporation receiving salaries created excessive burden on the income of the Hospital, it was competent for his Lordship to order the funds to be administered in such a way as to produce the most beneficial results for the public.

Reference was here made to the evidence which had been filed, and the correspondence that had passed, which included the following :—

The Dean of Stamford (Rev. W. W. Howard), the Vicar of All Saints' (Rev. C. Oldfield), two of the Governors of the Hospital, and Mr. Joseph Phillips, Steward, made a joint affidavit in October, 1888 ; the object of which was, in the first place, to show that the offices of Steward, Land Agent, and Surveyor, were absolutely necessary for the due care of the Hospital Estates, and that a porter and his wife were required to attend to the wants of the Bedesmen, and to the increased domestic work of the Charity. It is not necessary for me to give at length the potent arguments brought forward in defence of those offices, sufficient to say that they were so convincing, that Sir H. Davey, on the part of the Attorney-General, admitted their force, and agreed that the expenditure incurred was a prudent outlay of the Hospital funds. It was also allowed that the affairs of the Hospital of late years had been admirably managed.

The affidavit had next to deal with the Confrater and his stipend, and also with the number of the Trustees ; the Attorney-General urging that 50*l.* a year would be ample

for the Confrater's salary, and that the number of Trustees should be increased in a manner specified by him. Such a change the affidavit declares to be unreasonable and uncalled for. It sets forth :—

“That the said Hospital was originally founded for two clergymen and 12 poor, and such a foundation was confirmed by James II.

“These two clergy were beneficiaries as much as the 12 poor. The object of the foundation was to provide charitable endowment for two clergymen as well as 12 poor, and at the same time to provide that the beneficiaries should be resident on one spot, and that the 12 poor should at all times be under the personal care and influence of the two clergy.

“This view was recognised and confirmed by the Honorable Court in the year 1854. By the scheme sanctioned by the Court that year rules were carefully laid down, with the object of at once confirming the position of the Warden and Confrater as beneficiaries, and of insuring to the other inmates the benefit of their presence and ministrations.

“On the reconstruction of the buildings of the Hospital it was found very difficult to provide apartments for the Confrater ; and while the question was under consideration the Confrater, who was in office in 1854, died, and his successor was appointed, with the understanding that he should not be provided with a residence ; and the Governors applied to the Charity Commissioners for an alteration of the scheme of 1854, to allow the Confrater to hold a benefice with his office, and to reduce the stipend of future Confraters.

“Accordingly, in the year 1875, the stipend was reduced, on such application, by a scheme framed by the Charity Commissioners, to 200*l.* a year, and the prohibition against the Confrater holding a benefice with his office was

expunged. This stipend was considered, and in our opinion was rightly considered, the least stipend which could, consistently with the objects of the foundation, be allotted to the Confrater.

"Save the two above changes the position of the Confrater remains as settled by the scheme of 1854, and, to the best of our judgment, any further change in the status or emoluments of the Confrater would be an entire departure from the original object of the foundation, and would be greatly prejudicial to its welfare."

And the said Joseph Phillips deposed:—"That as Steward and Secretary he issued the summonses for all Meetings of the Governors and Trustees, and kept in a Minute Book minutes of the proceedings. These meetings were, and always had been, held regularly the first week of every month, on a day fixed by the Mayor on his entering upon his year of office—to suit the Mayor's business arrangements.

"In addition to these monthly meetings, other meetings were held when needful, the days for these meetings being arranged by the Governors and Trustees among themselves; that he always issued a written notice to each Governor and Trustee of every meeting, whether monthly or otherwise; and that the Warden and Confrater, and Mr. Langley (the Estate Agent) were also always summoned and attended, and the minutes were signed by the Governors and Trustees present.

"That an abstract of the accounts of the Warden had been sent by him every year to the persons named in the said scheme, and also to the Charity Commissioners; and such abstract had been printed and published in the principal newspapers of Stamford, and no objection to such accounts had ever been made by any person."

And the said Dean and Vicar of All Saints' further deposed as follows :—

“We have become intimately acquainted with the past and present arrangements, and we confirm the statements of the said Joseph Phillips in every respect.

“We, in our capacity of Governors, have been most cordially supported, save in one instance, by the successive Mayors of Stamford, who have given the benefit of their experience and business habits to the interest of the Hospital, and, in our opinion, the present body of three *ex officio* Governors is sufficient for the control of the Hospital, and the management of its estates. And, in our opinion, the management of the Hospital and its estates can be as efficiently carried on by a governing body of three members as by a larger governing body.

“We are unable to share in the views of our colleague, Mr. Stapleton, the present Mayor of Stamford, in these questions. In our opinion the office of Confrater, as it at present exists, and with the present emoluments, is essential to the welfare of the Hospital ; but, if this honourable Court shall decide that the office is not to be maintained, the money thus saved ought, in the next place, to be applied for the benefit of Browne's schools ; and, if the money were not to be so applied, still the past experience of the Hospital shows the great advantages of having the Almspeople in one spot, under careful ministration, instead of being dispersed in the town and neighbourhood of Stamford, and, consequently, under no care and with no adequate supervision. And we think that the scheme of Mr. Stapleton loses sight of all these points.”

And, the said William Wathen Howard, Charles Oldfield and Joseph Phillips further deposed, that no suggestion has implied that the Hospital and its estates have been

improperly administered since the year 1854, or that the provisions of the scheme then settled have not been observed.

"The duties of the Confrater, as set forth in the scheme of 1854, have always been regularly and punctually discharged by the holder of the office, and are now faithfully and efficiently discharged by the Rev. Henry Bayley Browning, the present Confrater."

Mr. J. M. Clabon, the solicitor of the Attorney-General, made an affidavit, from which it appeared that he had invited the attention of the Governors of the Hospital to the desirability of reducing the future holders of office, and the amount spent in salaries, and to an enlargement of the governing body. In April, 1888, he received from the London agents of the solicitor to the Governors a copy of a letter from the Steward as follows:—

"To Messrs. Peacock and Goddard.

"Attorney-General v. Browne's Hospital.

STAMFORD, April 16, 1888.

DEAR SIRS,

"The letter to you from Mr. Clabon, of the 8th February last, has been laid before the Trustees, and has received their most earnest attention. I am directed by them to say that, in deference to Mr. Clabon, they have reconsidered the whole matter from the beginning with the utmost care, and upon this reconsideration they are unable to come to any conclusion other than that which they had previously formed, namely, that the present schemes operate satisfactorily, and cannot be altered consistently with a due regard for the objects of the foundation. On the particular points mentioned in Mr. Clabon's letter the Trustees think that the Attorney-General is influenced by some miscon-

ception. The amount spent in salaries of officers and employés has always been, so far as the Trustees are aware, kept as low as possible, consistently with the efficient management of the Hospital and its property. They have, under the existing schemes, ample power of controlling this outlay, and they will be only too happy to reduce it, if the Attorney-General or Mr. Clabon, or the Charity Commissioners, or any one else, can point out any opportunity for further economy. The Trustees have always, when in the least doubt or difficulty, sought the advice of the Charity Commissioners, and they are greatly astonished to learn, that Counsel for the Attorney-General in open court impugned as excessive items of expenditure which had been actually sanctioned by the Commissioners before being incurred. But if under the term "salaries" Mr. Clabon includes the stipend of the Warden and Confrater, the Trustees desire me to urge upon Mr. Clabon, that, in their opinion, these stipends stand on an entirely different footing. The Warden and Confrater were integral parts of the original foundation, their beneficial interest in it was recognised, and their stipends and position fixed, by the Court in 1854. The stipend and privileges of the Confrater have since been reduced, in accordance with suggestions from the Trustees themselves, and such reduction was sanctioned by the Charity Commissioners by the scheme of 1875; and the Trustees are satisfied that any further changes in this respect would be a subversion of one of the principal objects of the foundation, and that, even if this were not so, neither lapse of time nor any change of circumstances can be alleged to justify an alteration of the present schemes. Mr. Clabon further suggests fresh and representative Trustees. I am directed to call his attention to the fact, that no one has yet ventured to impugn the conduct of the

Trustees as at present constituted. If any charge is to be made against them they desire that it should be at once formulated, and they are ready to meet it. But, if no charge can be made they fail to understand why the constitution should be altered, in the absence of a single allegation against them. The Mayor of Stamford differed from his colleagues in the views above expressed, and having prepared a separate letter to Mr. Clabon, he read it to the two other Trustees at their last meeting, and he will send it direct to Mr. Clabon.

"I am, &c.,

"JOS. PHILLIPS."

Mr. Clabon's affidavit also set forth a letter from the Mayor, as follows :—

"To. J. M. Clabon, Esq.

"Re Browne's Hospital.

"STAMFORD, April 17, 1888.

"DEAR SIR,

"I regret to say that I cannot concur in the opinion expressed in the letter of Mr. Jos. Phillips, the steward of this Hospital, dated yesterday, 'that the present scheme operates satisfactorily, and cannot be altered consistently with a due regard to the objects of the foundation,' inasmuch as the conclusion I have come to, as one of the Trustees, is, that the present scheme does not operate satisfactorily, and that it ought to be altered on the lines suggested by me to my colleagues. I am clearly of opinion that the present salaries of the Warden and Confrater are in excess of the actual requirements of the case. Mr. Longley, then one of the Charity Commissioners, in his evidence before the Select Committee on the Charitable Trusts Act, in 1884, in

his answer to question 364, puts my views very clearly when he says:—‘The Warden has 375*l.* a year, the Confrater 200*l.* a year, and the 12 Almspeople have 7*s.* a week, which makes 369*l.* a year; so that 12 Almspeople, who cost 369*l.* a year, are supervised and ministered to at a cost of 575*l.* a year.’ I have therefore suggested to my colleagues that the salary of the future Warden should be 300*l.* a year, and of the future Confrater 50*l.* a year, and that the annual saving of 225*l.* thus effected be specially applied in the payment of, say, 22 annuities, of 10*l.* a year each, to be held by poor persons, to be defined, living in the borough of Stamford, or in any of the parishes in which the Hospital estates are situate. I have also suggested to my colleagues that the future governing body should consist of, as at present, the Dean of Stamford, the Vicar of All Saints’, Stamford, and the Mayor of Stamford, with four additional Trustees, namely:—(1) the ex-Mayor of Stamford for the time being; (2) the Marquis of Exeter for the time being; (3) a member of the governing body of the Stamford Endowed Schools, to be elected by such body; (4) a Justice of the Peace for the borough or for the county in which the borough is situate, to be elected by the Justices. Although my two colleagues have declined to assent to my proposed alteration of the existing scheme, and as a majority have a right to direct our Steward to write an official reply to your letter, as he has done, yet I feel that I should fail in my duty as the Mayor of the borough, and, as such, the representative of the inhabitants of the borough at the Hospital, if I did not thus put before you my views, especially as you invite the views of the Trustees in your letter of February 8th.

“Yours, &c.,

“VALENTINE STAPLETON, *Mayor.*”

The same affidavit further set forth the petition by the municipal corporation of Stamford to the Charity Commissioners on 20th December, 1881, and a communication in April, 1883, from several former Mayors of the borough, to the effect that in their opinion the management of the charity (including the appointment to the Hospital of the poor people) should be vested in a representative body, or in a board comprising the present Governors, with the ex-Mayor and another person. "That the office of Confrater is a useless one (a sinecure), and, if it were abolished, 200*l.* a year would be saved to the charity."

There was also an affidavit by Mr. Valentine Stapleton, Mayor of Stamford, stating his agreement generally with the petition of the Corporation of Stamford, in 1881. It went fully into the story of the revenues of the Hospital and their application, with all which we have already been made familiar, and concludes with the following suggestions:—

"I am of opinion that the Warden should be relieved of all secular duties. It would, in my opinion, tend materially to the well-management of the estates and the dealings with the tenantry if the rents were received by either the clerk and steward, or the estate agent; and that no outlay of money should take place on the property except upon the order of the Governors, and when expended it should always be under the supervision of the estate agent. Better provision than now exists should be made for a statement of accounts being provided at the meetings of the Governors. Under the present system no books of accounts are produced at any such meetings other than the yearly audits. I think that the abstract of accounts which has, under the existing scheme, to be published, should be much more explicit; and that therein the liabilities existing at a given day in the

preceding year should be stated. I do not consider that the present salary paid to the steward and clerk and the land agent is excessive. I am firmly of opinion that the salary of the future Warden should be at the most 300*l.*, with a house rent-free, and, if the office of Confrater be continued, his salary should be 50*l.* per year. In my opinion, the office of Porter causes an unnecessary expense to the Hospital estate, and may, on the death or retirement of the present Porter, be with advantage dispensed with."

The several affidavits having been placed before the Court, Sir H. Davey proceeded to say, that the inconvenience of having a small number of Trustees was, that, in case of illness of one or two, there might be no Trustees at all to transact business.

Justice CHITTY : What you ask for is a new scheme?

Sir H. DAVEY : A supplementary scheme, or a new one.

The case for the Attorney-General having been fully stated, and all parties heard patiently and attentively, Mr. Romer, Q.C., in opposing the new scheme, contended that no case whatever had been made out against the Trustees or Governors, and that there was no ground for saying that they had not adequately discharged their duties. As a matter of fact, it had not been suggested that the management had been in the least degree hindered by the present board of management. The Court of Chancery, in the year 1854, stated that on the whole the duties of the Governors were satisfactorily discharged. On behalf of the Warden and Confrater, he submitted that no sufficient ground had been shown in favour of a further scheme. He was not aware that any of the circumstances had changed with regard to the duties discharged by the governing body. Certainly nothing of the kind had been shown by the evidence. There had been no hitch or delay in the manage-

ment, and it had not been suggested that the Governors had not properly discharged their duties. The present Attorney-General might think that the present scheme was wrong, but he would point out that the circumstances had not changed since the Court of Chancery, in 1854, decided that it was right.

At this juncture the Court adjourned until the following day, when the Court was resumed.

Justice CHITTY : When was the school superadded to the scheme—was it by the scheme, or before ? The charter of James the First practically constituted this a Charity with a Warden and a Confrater.

Mr. ROMER : There was no original trust for scholarships at all.

Justice CHITTY : Was there nothing in the scheme of 1854 ?

Mr. ROMER : There was nothing in the scheme of 1854 about this. It arose in this way : The Charity Commissioners had, under the Act, power, with the consent of the Governors of the Charity, to apply the funds to educational purposes, and in this case everybody appears to have consented. That was done in 1873.

Justice CHITTY : The school gets 1500*l.* per year out of the surplus revenues ?

Mr. ROMER : Yes, my Lord ; but that could not be done without the consent of the governing body.

Justice CHITTY : I have nothing to do with the constitution of the school. All I had to decide on a former occasion was whether the 1500*l.* the school got fell upon the surplus revenues or not. The Charity Commissioners have submitted this matter to the Attorney-General, who now comes with such evidence as he has, and suggests that the governing body should be altered.

Mr. ROMER : Yes, but he does not point out any reason.

Justice CHITTY : Yes he does. He points out the rare attendance, through ill-health, of two of the body, and the total absence on the part of the Mayor.

Mr. ROMER : That was fifteen years ago. There is no suggestion that any difficulty thereby has been caused to the charities.

Justice CHITTY : I do not see any suggestion of mismanagement.

Mr. ROMER : No, my Lord ; not the slightest : that has been disclaimed entirely.

Justice CHITTY : What are the duties of the governing body ?

Mr. ROMER : The duties are contained in the scheme. They have power to make ordinances.

Justice CHITTY : They have power to appoint an agent or surveyor, and such other officers as may be necessary in the interests of the charity.

Mr. ROMER : Those, my Lord are their duties. If the Court of Chancery, in 1854, having regard to those duties, thought they could be efficiently performed by the body then constituted, what is there now to induce your Lordship to say that the learned Judges were wrong ? Because wrong they must have been, if any alteration is now to be made.

Justice CHITTY : It might have been shown that the scheme does not work well.

Mr. ROMER : Yes, my Lord. They have not shown that in the slightest degree. Their point is simply this, that three Trustees are not sufficient. The answer to that is, " You don't suggest that the Charity has suffered in consequence, and if you do, there is no evidence of that."

Justice CHITTY: Sir H. Davey and Mr. Farwell assent to that.

Mr. ROMER: I venture to say your Lordship will not alter this scheme in the manner asked; because this is a case in which the next Attorney-General might say, "I think the Lord Chancellor was right in 1854," and ask you to again put it back. There is no substantial ground shown in this case for making the alteration suggested, and there is no ground, either alleged or proved, with regard to the constitution of the governing body, to show why this scheme should be altered. Counsel (with whom was Mr. Eastwick, as representing the Dean of Stamford and the Vicar of All Saints) proceeded to argue in opposition to the suggested proposal, and said, with reference to the question of the application of the income of the charities, there was only one point to which he wished to refer in dealing with that part of the case. The vice, in the opinion of the Mayor and the inhabitants of Stamford, in regard to their statement of expenditure, lay in this—that they would regard the salary of the Warden and the Confrater as expenses attending the maintenance of those twelve poor people, to whose spiritual wants the Warden and Confrater ministered, and they said, What was the use of a Confrater? His retort was—what was the use of the twelve poor people? He might just as well say that the Warden and Confrater were bodies around whom the twelve old people revolved. (Laughter.)

Justice CHITTY: The Warden, I suppose, is the sun? (Laughter.)

Mr. ROMER: Yes, my Lord.

Justice CHITTY: Then around whom does the Confrater revolve? (Laughter.)

Mr. ROMER was unable to say. His point was that the

Warden and Confrater were clergymen under the scheme and under the original constitution of the body. Sir H. Davey admitted that the Confrater was one of the corporation, and it was now too late to consider whether it was advisable or not to have charities for the support of clergymen of the Church of England. It might even be a question whether it was advisable to have charities for poor almspeople, but that was not the point. The money was given for specific purposes, and the Warden and the Confrater were just as much objects of the Charity as the poor people were. He objected entirely to the suggestion that the Warden and the Confrater were simply appointed for the purpose of ministering to the spiritual wants of twelve poor people. That was not their position at all, but their real position was very clearly defined by the scheme. Their first position under the scheme accorded with the original Charity. The original corporation provided for almshouses, and for a Warden and Confrater, who were to be ordained priests of the Church of England. Then par. 3 provided that the Warden and the Confrater were to attend divine service in the almshouses, and there was a provision that poor men and women should, or could, attend from Stamford or the adjacent neighbourhood if they desired to have their spiritual wants ministered to.

Justice CHITTY: The almshouse chapel is not the parish church?

Mr. KOMER: The scheme further provided that the Warden or Confrater should perform such offices as might be for the benefit of the people. Under section 9 there was a provision that no person should be appointed Warden or Confrater under 45 years of age, that he must be an ordained priest of the Church of England, and must not hold any other benefice. What he wished to point out was,

that this was a provision for the benefit of the clergymen. The two clergymen must be 45 years of age, and under the scheme they were obliged to give up all other ecclesiastical appointments.

Mr. FARWELL: That provision is abrogated so far as regards the Confrater.

Mr. ROMER remarked that it had been abrogated only so far as the Confrater was concerned by a scheme sanctioned by the Charity Commissioners, under which he gave up his residence and a large portion of his income. Section 15 provided for the stipends. The stipends there provided for were 375*l.* for the Warden and 312*l.* for the Confrater, with residences, which were to be free, and clear from all rates and taxes and repairs. Then it was provided that the poor people were to receive allowances and pay as at present until their allowances reached 30*l.* per annum, if there was an increased income. The scheme treated the Warden and Confrater not as persons, solely appointed for the benefit of the twelve poor people, but as something quite different. When it was necessary to rebuild the almshouses for the benefit of the twelve poor people, a scheme for which had been sanctioned by the Charity Commissioners, it was pointed out that there was not a sufficient residence for the Confrater. It was arranged then that the Confrater should give up his residence and 112*l.* of his income, thus reducing the amount to 200*l.* per year. Still he had to perform his spiritual duties there; still he had to be a gentleman qualified in the way mentioned in the scheme, and there had been no abrogation of the duties necessary to be discharged by the Confrater.

Justice CHITTY: Did the governing body put themselves under the control of the Charity Commissioners, or

did they assent to the scheme as it stands—I mean about the reduction to 200*l.* per annum?

Mr. ROMER : It was their own proposal, my lord.

Justice CHITTY : The Charity Commissioners sanctioned their own proposal?

Mr. ROMER : Yes, my lord. That leaves the duties untouched. Sir H. Davey is obliged to admit you have no jurisdiction to remove the Warden or Confrater.

Justice CHITTY : No.

Mr. ROMER : It is said broadly that the expenses are too heavy, but no expense in particular is attacked.

Justice CHITTY : You say no case is made out for the reduction of the salary of the Confrater?

Mr. ROMER : Exactly, my lord. According to the scheme of the Charity he is to be a clergyman. The Attorney-General has not said that there is any ground for removing the Confrater, or for saying he should be no longer a clergyman.

Justice CHITTY : No, that is not said.

Mr. ROMER : No ; it was only the Mayor and the inhabitants of Stamford who came forward and said, “There is a trust for a charity A, which we would rather have for the purposes of charity B.” But they were not entitled to neglect the original foundations of a trust. What the Mayor suggested was to reduce the salary of the Warden and to put down that of the future Confrater to 50*l.* a year, thus effecting a saving of 225*l.* a year, which should be specially applied to annuities to be held by poor people to be defined, living in the borough of Stamford or in any of the parishes in which the property of the trust was situated. He dared say the inhabitants of Stamford would like to have the poor relieved in that way, but he ventured to say that that was not a scheme which was likely to commend

itself to his lordship. Then they wanted the future governing body to be composed of a majority of persons directly connected with the borough of Stamford, and then they would be able to turn the charitable funds to a purpose different to that originally intended by the founder. That was their intention, but he did not gather that that was the desire of the Attorney-General ; indeed he found it difficult to understand what it was that the Attorney-General wished to do. One would have thought that some reasons would have been put forward for altering this scheme. He did not know what the Attorney-General had to complain of, or whether he thought that the office of the Warden or Confrater should be abolished.

Justice CHITTY : He does not.

Mr. ROMER : Or whether their incomes should be abolished.

Justice CHITTY : There is something of a suggestion of that kind.

Mr. ROMER : There was nothing in the evidence as to that. Were they to have a scheme to cut down the salary of the Confrater to a greater extent than it had already been cut down ? The Charity Commissioners fixed the amount at 200*l.*, and they must have thought that was a proper sum, because they approved of the alteration in the position of the Confrater in 1875.

Justice CHITTY : They approved of the proposal to reduce the salary to 200*l.* per annum.

Mr. ROMER observed that the Charity Commissioners would not have done that unless they had thought that 200*l.* was the right sum. That, he thought, he was fully entitled to say. The Commissioners approved of the alteration in the status of the Confrater, and approved of 200*l.* per year being a proper sum. In what manner had

circumstances changed since then? Who suggested that they had? Nobody. They admitted that they could not alter the Confrater and that he was to be a clergyman. They had the opinion of the Court of Chancery, in the year 1854, that the sum of 312*l.* and a residence was a right sum to be allowed, and they had, as he had before stated, the opinion of the Charity Commissioners, in 1875, that under the altered circumstances 200*l.* per year was a proper sum to be paid then. They had it now suggested by the Mayor and inhabitants of Stamford, but by no one else, that the amount should be reduced to 50*l.*, the surplus income to be applied to the benefit of poor people in the shape of annuities. The only reason suggested for such a course was that the Confrater was regarded merely as one whose duty it was to minister to the spiritual wants of the poor people. That was an entire misconception of his actual position. What else was suggested? Did they suggest that the steward, surveyor, or porter was too much? He was at a loss to know.

Justice CHITTY: The Charity Commissioners thought the porter was necessary.

Mr. ROMER said that he and his wife had to attend to the sick and bedridden, which was no light work. That was for the benefit of the institution, and there was no evidence to disprove that. The alteration was asked for simply because the Mayor thought it was necessary, but the Mayor at the time when the matter was before the Charity Commissioners did not think so. Why was the Mayor at the present time more likely to be correct than the Mayor at that time? He did not know. For his services the porter was paid 1*l.* per week. There was no ground whatever for interfering with him, beyond the suggestion of the Mayor, that, in his opinion, it was an

unnecessary expense. Then, as to the surveyor, there was no evidence, except as to the peculiar nature of the property, which was scattered over different parishes, to justify any interference with him. Unfortunately, the very nature of the property demanded his services.

Justice CHITTY : He gets 70*l.* per year.

Mr. ROMER : No, my Lord, only 50*l.*

Mr. FARWELL : I may say on behalf of the Attorney-General that we do not object to these particular items.

Justice CHITTY : Then I will relieve you from that, Mr. Romer : they make no objection to that, therefore you need not argue it.

Mr. ROMER proceeded to say that the Governors had ample powers under the scheme to control the payments, and they would be glad to adopt any suggestion for lessening expense. As to the Confrater, where was the evidence of the Attorney-General which said that he should cease to be a clergyman. If he were to continue to be a clergyman, why should he be paid a less salary than 200*l.* per year? Why should it be concluded that the Charity Commissioners were wrong when they sanctioned that amount? There was no evidence brought forward by the Attorney-General to show that that was an improper sum or an overpayment. The Attorney-General had indeed not ventured to challenge the payment on the ground that it was improper or excessive. Under those circumstances, he asked his Lordship not to interfere with a scheme which had been proved to work well, and which had been sanctioned by the Charity Commissioners.

Mr. J. EASTWICK, following on the same side, expressed a hope that his lordship would not interfere with the present scheme, and contended that no case whatever had been made out to justify the Court in moving in the matter.

No substantial difficulty had ever arisen in the working of the charity, and he apprehended that even if a difficulty were to arise it might be easily set right without the least difficulty, and without calling for the intervention of the Court. A great deal had been said about the opinion of the inhabitants of Stamford. But whatever opinion might be now entertained by the people of Stamford, it was absolutely necessary to remember the circumstances under which that opinion had been arrived at. For a time there had been a fixed payment of 1500*l.* per year paid to the schools, and it was not settled for a time whether that was to be out of surplus revenue or income. During that period, and under those circumstances, a meeting of the inhabitants of Stamford was held. That meeting, he ventured to say, was not very much enlightened as to what would be the legal position of the charity in certain events, and it was under such circumstances, and at such a gathering, that the opinion was expressed to which frequent reference had been made. He denied, however, that the opinion which was then expressed ought to be regarded as representing the expressed opinion of the whole of the inhabitants of Stamford with regard to this important matter.

Mr. SWINFEN EADY said that he represented the Mayor of Stamford.

Justice CHITTY: Then you ought to have been heard before Mr. Romer.

Mr. EADY replied that probably it might have been better if he had preceded Mr. Romer. He wished to point out that it was not only the view of the present Mayor of Stamford that some alteration should be effected, but preceding Mayors had expressed a similar opinion. The Attorney-General had, as he thought, very properly declined to take any particular side in this matter, and

counsel on his behalf had simply stated the facts as they were brought to his notice. With regard to the proposal to enlarge the governing body, he wished to say that not only the present and preceding Mayors had signed memorials in favour of such a scheme, but that the inhabitants of Stamford, in public meeting assembled, had unanimously pronounced in favour of an augmentation of the governing body. The evidence showed that at one time the Dean and Vicar had been absent for a considerable period in consequence of ill-health, and that one of them, down to 1884, was not resident at Stamford, but was residing near St. Albans. The dates were fully set forth in the affidavits which had been referred to by counsel for the Attorney-General. It had been asked whether the circumstances had so altered since 1871 as to call for any interference by the Court. In reply to that he asked his Lordship to consider whether the interests of the Charity could not be better promoted by an altered scheme. In the present case matters had not been going on in a satisfactory manner for many years, and it was submitted that, having regard to the attendance of the governing body, it had been clearly shown that the scheme did not work well in that respect. Mr. Eady supported his contention by quotations from a judgment in another case.

Justice CHITTY: This is a part of the case which does not appear to have been as carefully drawn as it might have been. We have been merely told that there were certain years in which the three who constituted the governing body did not attend. I have, however, not been able to discover what injury resulted to the Charity from that. That has not been put forward with any definiteness.

Mr. EADY: My learned friend, Sir H. Davey, gave your lordship the dates.

Justice CHITTY : Yes, I have got the dates, but I do not see what injury resulted to the Charity in consequence of that.

Mr. EADY : There is no suggestion of maladministration or anything of that kind, my lord. It is, however, submitted that the Court of Chancery having appointed persons to constitute the governing body, the scheme is not properly carried out when one, or perhaps both, are absent from ill health for a considerable period, and when one is permanently residing away from Stamford. It is quite true that the Warden and Confrater, who are both clergymen, are objects of the Charity, and it is equally true they are members of the corporation, but at the same time you have to look and see what were the real intentions of the Founder of the Charity.

Justice CHITTY : What is the substantial ground for desiring to alter this? You would not ask me to abolish the Confrater. You would not say to me, "I know you cannot in law abolish the Confrater, but you can reduce his salary to such a mean sum that no clergyman would take the office."

Mr. EADY : Look, my lord, at the intention of the Founder—to say masses, to pray for the souls of the then King and his wife, and others.

Justice CHITTY : Yes.

Mr. EADY : If the services of the Confrater are retained it may be possible to find some cure in the parish ; or some person with a cure in the parish, or holding some other appointment, might be found to discharge the duties of Confrater, such as they are, and who would find the 50*l.* per year a welcome addition to his income. I believe there are many clergymen about Stamford who would regard 50*l.* per year as sufficient remuneration for the duties to be discharged by the Confrater.

Justice CHITTY: Your suggestion is that the salary of the Confrater should be less than that of the porter?

Mr. EADY: The porter, my lord, gives up the whole of his time. That is an entirely different matter.

Justice CHITTY: I do not object to your statement. What does the Confrater do—read prayers every day?

Mr. EADY: According to the scheme all that he really has to do is to assist the Warden. He has one of the keys of the outer gate, and he has also to assist the Warden. He assists the Warden. There are no substantial duties. The evidence is that the office is a sinecure.

Justice CHITTY: There is no evidence that it is a sinecure.

Mr. EADY: Yes, my lord, there is.

Justice CHITTY: No; but there is a petition of the inhabitants of Stamford setting forth that the office is a useless one.

Mr. EADY: That, my lord, is the Mayor's statement.

Justice CHITTY: I think I am right in saying not the Mayor's only; there were many who signed the document in 1883, and they say that the office of Confrater is useless, a sinecure, and if it were abolished a considerable saving might be effected,

Mr. EADY: Yes, my lord, and the Mayor of Stamford confirms that. The substantial point is, whether the appointment should not be held by some person having another appointment.

Justice CHITTY: The Charity Commissioners said that might be so in 1875? The Charity Commissioners have never expressed any opinion as far as I can gather.

Mr. EADY: They have certified this case to the Attorney-General.

Justice CHITTY: Is it not one of the Charity Commis-

sioners who is quoted as having given evidence to the effect that the Confrater is only there for the purpose of managing and supervising the almshouses?

Mr. EADY: I am not aware, my lord. The only other point which is suggested by the Mayor is with regard to the auditing of the accounts. The auditing of the accounts is not at present satisfactory. The accounts are at present audited, first by the Dean of Stamford in the presence of the Vicar of All Saints', and, him failing, by the Vicar of All Saints' in the presence of the Mayor.

Justice CHITTY: Why does not the Mayor see that the accounts are properly audited? Is the audit according to the scheme?

Mr. EADY: Yes, my lord.

Mr. ROMER: The accounts are audited every year and sent to the Charity Commissioners, and no objection has been taken.

Mr. EADY: Your lordship will see that the scheme provides for the audit.

Justice CHITTY: The Attorney-General has not asked me to alter the scheme as regards the audit. I am afraid I must now postpone the further hearing of this matter. I was to-day told it would not take many minutes to dispose of it, and it has already occupied a considerable time. I do not think it is fair to the other suitors to proceed with it now. I do not, of course, wish to curtail discussion.

Mr. EADY: I do not think I can usefully occupy your lordship's time any longer.

Mr. YATE LEE: I appear, my lord, for the bishop of the diocese, the visitor of the Hospital, and he wishes your lordship to know that he is quite satisfied with the management of the Hospital; that, in his opinion, the Charity is

thoroughly well managed, and that he does not desire to support the scheme of the Attorney-General.

Mr. FARWELL, in the absence of Sir H. Davey, replying on behalf of the Attorney-General, said the Attorney-General came to the Court because the matter had been certified to him by the Charity Commissioners after a meeting of the inhabitants of Stamford had been held, at which an opinion was expressed that the scheme should be altered. There was a consensus of opinion that some alteration was necessary, and it was important to consider that the sole opposition to an alteration came from the side of the vested interests. The only opponents were the Warden and Confrater and the Solicitor to the Trustees. One of the three Trustees himself supported the application for an alteration. Therefore, there was an extraordinary unanimity that some alteration was necessary. That alone had brought about the intervention of the Attorney-General. Mr. Romer had suggested that no alteration whatever was necessary, but he had apparently forgotten the fact that an alteration had been made as regarded the 1500*l.* per year. There was then a provision made for the payment of 500*l.* per year out of surplus revenue when altered circumstances made it impossible to pay 1500*l.* per year. When the Charity Commissioners altered the scheme in 1873, there was ample money to provide 1500*l.* per year for educational purposes. The income of the charity was not now sufficient to carry out all the purposes of the scheme, including educational purposes, and the Attorney-General brought the matter before his Lordship to take the opinion of the Court as to whether, under the altered circumstances, the position of the Charity should not be altered.

Justice CHITTY: Have you anything upon which you can rely to show me what was the income in 1854? I

understand the scheme to be this, that the Warden is to have 435*l.* and the Confrater 312*l.*, with power to the Court from time to time to alter.

Mr. FARWELL: That is what it comes to, my lord.

Mr. ROMER: In 1854 the income was very small, my lord, owing to some of the leases falling in.

Mr. FARWELL: We come here because the income of the Charity is not sufficient to carry out the purposes which were contemplated when the division of the income was last considered.

Justice CHITTY: 1500*l.* were offered, and, therefore, if money can be got there might be more money going to the school.

Mr. FARWELL: It is important for the Charity that the money should be kept intact. The Attorney-General comes to you because he has circumstances cited to him to show that the income is not sufficient for the purposes originally contemplated. Coming to the Charity, we say that one gentleman apparently performs no duties at all. That is not challenged by the other side. They do not say the Confrater is a useful person and does this and that. They only say that the office of Confrater, as it at present exists and with its present emoluments, is essential to the interests of the Hospital.

Justice CHITTY: You have not condescended to tell me exactly what I required to know.

Mr. FARWELL: The Attorney-General has a petition which states that the office of Confrater is a sinecure. If he had any real duties to perform which it is essential for the poor people he should perform, he would have been the first to have come here and told your lordship that is so. The question is, whether, there being this deficit in the revenues of this Charity, this sinecure should be kept up.

Mr. ROMER complained that his learned friend was opening up new ground, and stated that he should require to reply to what had been advanced. What his learned friend desired was that one charity should go to another charity.

Justice CHITTY: No, Mr. Romer, I do not think that is quite right.

Mr. ROMER: My friend is raising an entirely new point.

Justice CHITTY: This was certainly not opened by Sir H. Davey.

Mr. FARWELL: I beg you lordship's pardon. I understood that my learned leader had opened this.

Justice CHITTY: The point is that, with the consent of the governing body, the Charity Commissioners have jurisdiction to alter the scheme, and they have annexed to the charity a school charity. The only question I had formerly to decide was, which of two institutions was to suffer by reason of agricultural depression. At present the school is not a part of the charity.

Mr. ROMER: The Charity Commissioners had no power to deal with the matter, except so far as the governing body concurred. They consented to provide so much per year for the school, out of the surplus revenues of the Hospital.

Justice CHITTY: I know that, but that might form a reason for my agreeing to alter the scheme.

Mr. ROMER: This, my lord, is a new and distinct point, which has not been opened, and which I might have argued. It is not right that a fresh point like this should be opened.

Justice CHITTY: I think I must let Mr. Romer say a word upon this point.

Mr. FARWELL: I say, my lord, that there is an insufficient income to meet all the requirements of the

charity. Everybody who is not interested considers that a great saving might be effected by reducing the income of the Confrater.

Justice CHITTY : Do you say anything about the Warden ?

Mr. FARWELL : We do not at present ask for a reduction of the Warden's salary. The Warden has considerable duties to perform.

Justice CHITTY : I find that the salary of future Wardens is not fixed. It is only the present Warden and the present Confrater who are mentioned.

Mr. FARWELL : So it is in the amended scheme, my lord.

Justice CHITTY : Merely for the purpose of altering the Warden's salary it is hardly necessary to have a new scheme.

Mr. FARWELL : No, my lord. A porter seems to be an unnecessary luxury, and his salary, we think, might be saved.

Justice CHITTY : What do you suggest ?

Mr. FARWELL said what was asked for was a general revision of the scheme, so that there should be some alterations in the stipend of the Confrater and the number of Trustees, and that the office of porter should be abolished.

Mr. ROMER submitted that the consent of the Governors to setting aside revenues of the charity to supporting schools should be deemed to be conditional on the revenues being sufficient to carry out the original intentions of the founder. What was now suggested was to give assistance to some other charity by contributing the income of the original charity, and to violate in spirit the trusts of the charter. The income was ample to answer all the purposes of the present charity, which alone was being considered in relation to the present scheme. Had the Attorney-General come forward and said he wanted to take away the property from one charity and to give it to another, he could have

understood his application, but he had done nothing of the kind. There was, he argued, no power to create a new charity out of an old one, at the expense of the old charity, and in contravention of the intentions of its founder. He confidently asked his lordship not to accede to the application which had been made by the Attorney-General, and for which there was no justification under existing circumstances.

Justice CHITTY, in pronouncing judgment, said this was an application by the Attorney-General for the revision of a scheme confirmed by the Court of Chancery in 1854, and the Attorney-General made certain suggestions, considering that the scheme should now be revised. One of the trustees *ex-officio* was the Mayor of Stamford, who also appeared and asked for the revision of the scheme, not entirely agreeing with what he should term the suggestions of the Attorney-General, but differing in some respects, although agreeing with regard to the point which was considered to be of some importance, viz. the number of the members of the governing body. The Bishop of Lincoln took an interest in the charity in his character as the bishop of the diocese, but he thought it would be well to leave things as they were. He did not think he could do better than refer to the opinion of Sir George Turner, which was pronounced in 1851, in regard to the principle upon which the Court acted in matters of this description. Sir George Turner said it was obvious that what had been done by the Court must not be interfered with except upon the most substantial grounds, as much mischief often resulted if that rule were not observed. That was a statement by a most cautious judge, and he should endeavour to dispose of the case as consistently as he could with what had been laid down.

The points upon which alterations were suggested were—first, the number of Trustees, and, second, the salary of the Confrater. Some other suggestions appear to have been made, but in the result they have been withdrawn, such as the stipends and salaries paid to the steward and clerk, and also something had been said about the porter, who received something like 1*l.* per week. When the case was presented to the Court before, there appeared to be some misapprehension in regard to the law as to the position which the Warden and the Confrater occupied. It seemed to have been considered that the Warden, and certainly the Confrater, if not the Warden also, were merely the ministrants of the charity, and that the charity consisted of twelve almspeople, and that these two persons were there merely for the purpose of ministering to their spiritual wants. That view was presented by one of the Charity Commissioners in the evidence which he gave before a Select Committee, and which evidence was adopted in the correspondence on the part of the Mayor, and which appeared to be the view which had been taken among the people of Stamford, and also by the Mayor. The substance of that view was that the Warden had 375*l.* per year, the Confrater 200*l.* per year, and the twelve almspeople were paid 7*s.* per week, making 369*l.* per year; so that, as a matter of fact, the twelve almspeople were supervised and ministered to at a cost of 575*l.*; and in the petition or memorial which was signed by many of the inhabitants of Stamford, he found a statement to the effect that the office of Confrater was a useless one—a sinecure—and if abolished 200*l.* would be saved to the charity. The office of Confrater could not be abolished, that was to say, by his (Justice Chitty's) act as a judge. The Confrater was an integral part of the corporation, and he was just as much

interested in the administration of the charitable trusts and the object of the charity as the almspeople themselves. The counsel for the Attorney-General rightly admitted that this office could not be swept away. That being so, he had to consider the question which was raised with reference to his salary ; and here he must say, to his mind, it would be quite contrary to all principles of the law to adopt the policy which, while not abolishing the office, would deprive it to such an extent of salary as really to make it merely a nominal office, and nothing more. It could not be said that the Confrater would remain an officer of the charity if he received no stipend at all, and in that case he would be merely ornamental ; and he would not do anything wittingly which would give the impression that if he could not abolish the office directly, he would attempt to abolish it indirectly.

Mr. Romer had argued very strongly that there was no substantial alteration in the case, since the scheme of 1854 was made, to justify the interference of the Court on the present occasion. There were some additional facts. From these, it would appear that in 1873 it was found that the income of the charity stood so well that the governing body—that was the three Governors—unanimously presented a memorial to the Charity Commissioners, acting under a special Act of Parliament which gave them jurisdiction, to alter the scheme. Thereupon a very important alteration was made in the scheme, for it annexed to the Hospital trust the school trust. The mode in which that was done was, as far as the revenues were concerned, brought before him not very long ago. The agricultural depression had reduced the rents—which formerly had risen to such an extent that the surplus revenues of the Hospital, after providing, according to the

existing scheme, for these objects, which were still called the principal objects of the charity—that the school could no longer get its 1500*l.*, and he had to decide whether the school or Hospital had to suffer. He was not going to alter the duties of the Confrater. The suggestion which had already been made was that it was useless and a sinecure. He was unable to find any evidence on either side directed to that point, and he had no evidence on the part of the two Trustees, who objected to any alteration, to show what the duties of the Confrater were beyond those mentioned in the scheme. He was practically a sub-warden, but when the Warden was a hale and hearty man, and able to do his part of the duty, little or nothing fell upon the Sub-warden, or the Confrater as he was termed. He thought it would be right, having regard to these altered circumstances, to revise the scheme so far as related to the stipend of the Confrater. He was not prepared to say to what extent that could be done, because that was a matter which could be best considered in chambers. But he thought, consistently with the duties he had to perform, and consistently with the circumstance that he was a member of the corporation and an object of the charity, that a person qualified to be a Confrater might be content to take, and be well repaid for his services, with a less sum than 200*l.* per year. He was not called upon to say exactly whether the 200*l.* was a fixity. In the scheme of 1854 the salary of the Confrater was not fixed permanently, and the scheme was so framed that the salary of the future Confrater could be reduced by the order of the Court. That scheme, which was confirmed by the Charity Commissioners, was altered, and a clause substituted which fixed, as to the present Warden, his salary at 375*l.* per year, and it also fixed the salary of the then Confrater, but not the salary of future Confraters.

It was very remarkable that in this case, in the year 1854, the Court of Chancery appointed so small a body of Governors, and it was not the less remarkable by reason of the practice usually adopted to appoint a much larger number of Trustees. In the schedule to Mr. Clabon's affidavit he could not find a single case where so small a number had been appointed. The Attorney-General had put this part of the case very fairly. He said that he did not suggest that there had been any maladministration. He had pointed out that possible consequences of injury might arise from the number of Governors being so small. He had disclaimed all imputations with regard to the governing body, and he pointed out that, for no reason other than that of ill-health, the Dean of Stamford and the Vicar had not been able to attend the meetings of the governing body, and also that from time to time the Mayor had not attended, although that might be for some good reason which the Mayor, for the time being, might deem to be sufficient. During past years one or two of the three Governors had been unable to attend the meetings, and he could quite understand that the result of that would be to leave the general state of the affairs of the institution very much in the hands of their officers. In making that observation, he wished it to be distinctly understood that he made no imputation whatever against them. That also seemed to be the view of the Attorney-General. He thought the number of Governors was too small, and therefore he proposed it should be enlarged. These were the two principal points of the scheme, which would go back for revision—that was to say, for a new scheme. He must send it back for a new scheme to consider whether the parts fitted in. He could hardly think that the question of the porter was worth mentioning.

Mr. FARWELL : I give that up, my lord, so far as the Attorney-General is concerned.

Justice CHITTY was glad that Mr. Farwell had done this. He thought the porter was a very useful servant in an institution of that description. He thought, seeing that he and his wife attended to the old and infirm people, that he was a useful servant. It appeared to him that the porter in such an institution must be useful, not only in the way indicated in the evidence, but in many other ways which passed through his mind while the porter was under consideration. It would, therefore, probably satisfy the parties interested to send it back for the purpose of a new scheme in some way defining these two points to which he had referred. It would be of immense importance for the charity and everybody concerned that the expenses should be kept down as much as possible.

Mr. FARWELL : Probably your lordship will deal with the costs when the scheme comes back.

Mr. ROMER : Of course, my lord, so far as the salary of the Confrater goes, you do not mean to interfere with that, but to cover all future Confraters ?

Justice CHITTY : I have not said so, Mr. Romer. I do not know whether he has been appointed pending this application or not.

Mr. FARWELL : The Attorney-General, my lord, does not wish to ask you to disturb the existing Confrater's salary. We do not propose to touch that.

Justice CHITTY : That is right. It is particularly right, having regard to the 15th clause of the scheme of the Charity Commissioners.

The scheme, therefore, goes back to chambers for revision.

CHAPTER XV.

THE SCHEME OF THE ATTORNEY-GENERAL REVISED, CONFIRMED, AND FINALLY APPROVED.

ON Sunday, November 11th, 1888, the Rev. W. H. Iggulden, the Warden of the Hospital, died suddenly—a great loss to the Charity; for he had been consistently a painstaking, intelligent, and devoted officer, highly respected by all who knew him.

The next day a public meeting was held in connection with the vacancy, at which resolutions were passed pressing upon the Charity Commissioners and the Attorney-General's solicitor, Mr. Clabon, that the appointment of another Warden ought not to be made, pending the decision of the Court of Chancery as to a new scheme. The meeting either knew not, or entirely forgot, that the Trustees were called on by a Statute of the Hospital to appoint a successor within fourteen days after a Warden's death. Mr. Clabon—we presume to humour the meeting, for he must have known well that he was asking the Trustees to neglect a sacred duty—wrote to the Steward of the Hospital briefly, thus:—"I trust that the Vicar and Dean will not take any step towards filling the vacant office until after the further hearing by the Court." His letter was laid before the Dean and Vicar, who simply referred him to Clause 7 of the scheme of 1854. The Charity Commissioners—having, no doubt, well in mind the rebuff they received from Dean Mantell when they

attempted to interfere on the appointment of a Confrater in 1883—prudently left the resolutions of the meeting unnoticed.

The Reverend William John Williams, M.A., Vicar of Gainsborough, and Honorary Canon of Lincoln, was appointed Warden of the Hospital by the Dean and Vicar on the 20th November. The Governors, at an early meeting after the appointment of a new Warden, and at his suggestion, drew up a code of Bye-laws and Ordinances for the Governance of the Hospital, and a copy of such Bye-laws was forthwith hung up in the Common Room. They were as follows:—

“BYE-LAWS AND ORDINANCES FOR THE GOVERNANCE
OF BROWNE’S HOSPITAL.

“The Warden shall keep a general cash-book, showing every receipt and payment made by him ; and a ledger, in which shall be posted, under proper heads, all such receipts and payments. The Warden shall pay into a bank selected by the Governors all monies received by him, and shall cause the same to be entered in a pass-book, and shall make all payments by cheques or orders on such banker.

“The Warden shall produce the cash-book, ledger, and banker’s pass-book made-up to date, and accompanied by vouchers for all payments, at every meeting of the Governors for their inspection.

“The Warden shall not make any payments on behalf of the Hospital without the direction of the Governors, except for stipends to the Warden and Confrater, for payments and allowances to the poor inmates, for rates and taxes, and for petty payments under 20s. each. The

Warden shall personally make the weekly payments to the poor inmates on Tuesday in every week.

"The master key of the residences of the poor inmates shall always be kept by the Warden at his house, and shall only be used by him, unless it be specially delivered by him to some person to be for the occasion used for a purpose to be specifically named by the Warden, who will resume possession of such key on such purpose having been effected.

"Upon the removal or death of a poor inmate, all the furniture and effects in the residence occupied by such poor inmate at the time of his or her removal or death, and belonging to him or her, shall, within fourteen days after such removal or death, be taken from such residence by the inmate, or his or her personal representatives; and vacant possession, with the key of such residence, shall be given to the Warden, within fourteen days after such removal or death.

"The estate agent of the Hospital shall attend at every rent audit of the cottage tenants at North Witham and Swayfield, to assist the Warden at such audits respectively.

"When a poor inmate is sick, he or she, upon intimating to the Warden the need of a medical attendant, shall have the selection of a medical man residing in Stamford; and the Warden shall thereupon give a written order to such medical man to attend the inmate.

"The duty of the Porter shall be to give his whole time to the Hospital outside the Warden's house, and generally to be under the Warden's control and discretion, in keeping the Hospital chapel and all parts of the Hospital premises in clean and proper order.

"The Porter shall open and close the Hospital gates as directed by the Warden; he shall open the chapel for

service and prepare it and everything belonging to it for each service, and ring the chapel bell for each service, and, on the death of an inmate, all under the direction of the Warden.

“The Porter shall not allow any person to leave the Hospital after the closing of the gates, without immediately communicating to the Warden that such person has left the Hospital, and the purpose of such leaving.

“The Porter shall, when directed by the Warden, break the coal for the inmates, and supply the inmates if they be infirm, with coal; and he shall be ready to make himself kindly useful to the inmates if occasion arise, and the Warden direct him.

“The wife of the Porter shall superintend and assist in the laundry, and overlook the weekly washing of the poor inmates.

“The Porter shall collect the weekly rents of the cottages in Stamford, and shall serve all rent and other notices on the occupiers of allotment gardens in Stamford.

“Neither the Porter nor his wife shall receive any payment nor accept any gratuity from any of the poor inmates for any service rendered by them or either of them.

“W. W. HOWARD Dean of Stamford.

“CHARLES OLDFIELD, Vicar of All Saints', Stamford.

“VALENTINE STAPLETON, Mayor of Stamford.

4th April, 1889.”

The Scheme for the management and regulation of the Hospital, proposed by Her Majesty's Attorney-General and sent back to Chambers for revision, consisted, as we have already seen, of two parts (1) The Stipend of the

future Confrater. (2) The Enlargement of the Governing body.

Of the 16 clauses of the scheme only one related to the Stipend of the Confrater. It was brief and trenchant :—

"The Stipend of every future Confrater shall be 50*l.*, to be paid in like manner as provided by the Order of the Charity Commissioners of the 6th of August, 1875."

The remaining clauses all related to the management and administration of the estates and revenues, and to the government of the Hospital, requiring an addition of six members to the governing body, the full number to be nine. It proposed that in addition to the present Governors, being the Dean of Stamford, the Vicar of All Saints', Stamford, and the Mayor of Stamford for the time being, the Marquis of Exeter for the time being should be a Governor, and the following should be non-official Governors :—

"A Justice of the Peace for the Borough of Stamford, to be appointed by the Justices of the Borough.

"Two Town Councillors of the said Borough, to be appointed by the Council of the Borough.

"Two persons to be appointed by the Governors of the Stamford Endowed Schools."

It provided that these appointments should be made within three months after the confirmation of the Scheme. A subsequent clause recited that as the legal Estate was invested in the Warden, Confrater, and Poor of the Hospital as a Corporation, under the style of 'The Warden, Confrater, and 12 Poor of the Hospital of William Browne, of the foundation of King James the First,' the said Warden, Confrater, and Poor of the Hospital were to permit the Governors to receive and take the annual and other rents, issues, and profits of all and singular the Real Estates

vested in the said Warden, Confrater, and Poor, and, from time to time, to manage, let, and set the same ; and to use, order, and dispose of the goods and personal estate held by them, in such manner as the Governors should, conformably to the terms of their trust and to the general law applicable to Charitable trusts, in their discretion think best, and for the purpose aforesaid, the Warden, Confrater, and Poor, should in their Corporate capacity make and execute all such deeds, leases and other instruments, and do and perform all such as the Governors should require. It provided that the Governors should be at liberty to use the Corporate name of the Warden, Confrater, and Poor for the purpose of bringing or defending such actions as the Governors should think proper, and be authorised to bring or defend, the Warden, Confrater, and the Poor, being indemnified out of the Estates of the Charity against all loss which might be occasioned thereby, and that the Common Seal of the Hospital belonging to the Warden, Confrater, and Poor, should be kept by the Clerk to the Governors, and be affixed to such deeds and documents only as the Governors should by resolution duly passed direct. And after declaring certain regulations for the conduct of business by the Governors, and for their election, the Scheme wound up by stating that :—

“In all other respects the subsisting scheme of February the 11th, 1854, and the Order of the Charity Commissioners of August 5, 1875, shall remain in force.”

The proposal that the Stipend of the Confrater should be reduced from 200*l.* to 50*l.* a year was simply an insult to the Office, and we can only suppose that so small a sum was named as the best mode of securing some reduction. The Rev. H. B. Browning, now holding the Office, whose income the new scheme would not affect, deemed it his

duty to file an affidavit in defence of his successors. It is thoroughly practical, and was well calculated to carry weight when read before the Court.

The affidavit is as follows :—

“I, HENRY BAILEY BROWNING, of Stamford, in the county of Lincoln, Clerk in Holy Orders, the Confrater of the above-named Hospital, make oath and say as follows :—

1. “I was appointed Confrater on the 9th April, 1883.

2. “My duties are to join with the Warden in conducting the daily morning and evening services in the chapel of the Hospital, to visit the sick and infirm inmates of the Hospital when requested by the Warden, and to attend the annual and monthly meetings of the governors.

3. “When the Warden is occasionally absent on the business of the Hospital, as well as during his absence on leave, I discharge the duties both of Warden and Confrater.

4. “As these duties are at present arranged, the greatest number of daily services which I may be called on to perform in any year is 350, besides the visitation of sick inmates, and the other duties before enumerated.

5. “The actual number of daily services which I have performed in each year since my appointment is as follows :—
1883 (9 months), 231 ; 1884, 281 ; 1885, 294 ; 1886, 305 ; 1887, 287 ; 1888, 334.

6. “The documents now produced and shown to me at the date of swearing this, my affidavit, and marked H.B.B.1, H.B.B.2, and H.B.B.3, are correct and detailed statements of these services.

7. “Even if the Confrater of the Hospital were not one of the original objects of the foundation, I consider the sum of 200*l.* per annum no more than a fair remuneration for the duties of the post as they are performed by me.

8. "I am the Rector of the parish of St. George, in Stamford. The population of the parish is 2092, most of whom are very poor, and the living is of the value of 150*l.* per annum, all of which I pay to a Curate.

9. "There are four other livings in Stamford not exceeding in value the sum of 200*l.* a year, namely—

| Parish. | Annual Income from Living. | | | | | | Population. |
|-------------------|-------------------------------|----|----|----|----|----|-------------|
| St. Mary | £76 | .. | .. | .. | .. | .. | 311 |
| St. Michael | £120 | .. | .. | .. | .. | .. | 1300 |
| St. Martin | £175 | .. | .. | .. | .. | .. | 1472 |
| St. John | £200 | .. | .. | .. | .. | .. | 1262 |

10. "I am, therefore, in as favourable a position as any clergyman in Stamford to judge of the value of the Confraternity, if intended to be merely an assistance to one of the poorer livings in the town, and I say that from this point of view the Confraternity, as I understand its duties and discharge them, would scarcely be any assistance if the remuneration were greatly reduced."

That the Dean of Stamford and the Vicar of All Saints' would, as two of the Governors well contented with the careful and successful management of the Charity for many years, file their Affidavit was, we may say, under the circumstances fully to be expected. They believed a large addition to the Governors would do harm not good. They were, therefore, in duty bound to oppose such an addition. Unhappily, that duty they fulfilled with a melancholy feebleness. Their pleading was an injudicious and unbecoming attack upon the honesty and integrity of the Municipality of Stamford and its Bench of Magistrates, and so, peculiarly fitted to injure seriously a cause however good. The following is a word for word copy of the Affidavit.

“We, the Very Rev. WILLIAM WATHEN HOWARD, of Market Deeping, in the county of Lincoln, Dean of Stamford, and the Rev. CHARLES OLDFIELD, Vicar of All Saints’, in Stamford, two of the present Governors and Trustees of the above mentioned Hospital, severally make oath and say as follows :—

“1. We have read and considered the draft scheme of her Majesty’s Attorney-General for the regulation of the above named Charity.

“2. We consider the suggested additions to the governing body of the said Hospital ill-judged, as being calculated to create a majority of Governors hostile to the Hospital and to some degree interested in the schools, and not calculated to provide Governors capable of efficiently controlling the Charity and its estates, four-fifths of which are situated in the counties surrounding Stamford.

“3. There are at present sixteen Justices of the borough, viz.: Valentine Stapleton, solicitor, the present Mayor of Stamford; Henry Johnson, retired bookseller; William Newman, surgeon; Henry Michelson, retired ironmonger; Robert Michelson, retired banker; William Langley, house and estate agent; Thomas Gurney Mason, retired iron merchant; Henry Knott, provision merchant; Moses Galloway Browne, retired draper; Walter Dowley Eddowes, surgeon; Charles Charge, draper; John Hayes, coach and waggon builder; Edward Israel Orford, ironmonger; Joseph Smith, retired draper; George Patterson, retired druggist; John Corrie Carter, Esq., barrister-at-law, Recorder of Stamford.

“4. Of these gentlemen, ten have had children attending the schools established under the above named scheme, and others of them are related to or connected with persons having children now attending the schools.

"5. There are at present twenty-four members of the Town Council of the borough of Stamford, most of whom have had children attending the said schools, or are related to or connected with persons having children so attending.

"6. Almost every Justice and member of the Town Council of the borough has thus, either for his own benefit or that of his relations and friends, a direct interest in the welfare of the school in preference to the Hospital, which preference might be shown by giving the priority of claim to the school, with a view to lowering the fees, or by other means.

"7. Very few of the magistrates or members of the Town Council have any experience whatever in the management of estates or the cultivation of land; and most of the members of the Town Council are engaged in professional or business pursuits in Stamford, which would prevent any real attention being given to the outlying property of the Hospital.

"8. Referring to the exhibit J.P.2 to our affidavit filed in this matter on the 15th of October, 1888, we say that if the governing body of the Hospital is to be increased it would be of benefit to the Hospital that the Governors to be appointed should represent the counties in which the Hospital property is situate, so as to secure further supervision of the Hospital property by persons conversant with agricultural pursuits, while at the same time making a board which should be perfectly impartial as between the Hospital and the schools.

"9. We think that in order to secure this the representatives of borough justices and of the Town Council of the borough should be omitted from the draft scheme, which should be made to provide instead for the following non-

official Governors :—One Justice of the Peace for the parts of Kesteven in the county of Lincoln, one Justice of the Peace for the county of Rutland, one Justice of the Peace for the liberty of Peterborough, in the county of Northampton; such Justices to be nominated by the respective Courts of Quarter Sessions for the respective divisions or counties.

"10. Having regard to the close connection between the Charity and the Established Church, we consider that it is desirable that every Governor hereafter to be appointed, except the Mayor of Stamford, should be a member of the Established Church of England.

"11. We have read the affidavit of the Rev. H. B. Browning, sworn the 12th day of April inst., and we confirm in every respect the facts therein stated.

"12. We consider that as the Confrater is an integral part of the Charity and intended to be benefited by the founder, no part of the funds of the Charity now paid to the Confrater should be diverted to any other object; and we are of opinion that, having regard to the intentions of the founder of the Charity, the funds of the Charity could not be better applied than in paying the sum of 200*l.* a year to a Confrater who performs the work hitherto done by the Confrater of the Hospital, and is the incumbent of a small living in the town of Stamford, or who has, in Stamford or elsewhere, well and faithfully done good work as a minister of the Established Church."

The Mayor's affidavit in reply is a well drawn-up document, and, coming from the third Governor of the Hospital, deals severely, but not violently, with his co-Governors. He reasons thus :

"I, Valentine Stapleton, of Stamford, in the County of Lincoln, solicitor, make oath and say as follows :—

"1. I am the Mayor for the time being of the said borough of Stamford. I was elected to that office in November, 1887, and re-elected in November, 1888. As such Mayor I am one of the Governors and Trustees of the said Charity called Browne's Hospital. I have resided for 26 years in the said borough.

"2. I have read a copy of an affidavit recently made and filed in the matters aforesaid by the Rev. H. B. Browning, who is the Confrater of the said Hospital, and also the rector of the parish of St. George, in Stamford aforesaid. I am, and for about 10 years have been, a churchwarden of the said parish.

"3. It is true that, as the duties of the Warden and Confrater were arranged in the lifetime of the late Warden, an unreasonable part of such duties has been hitherto borne by Mr. Browning, as the Confrater.

"4. I am well acquainted with the affairs of the Hospital, and the duties of those connected therewith. The whole of the work which has to be performed by the Warden and Confrater could very easily be performed by the Warden alone, who resides, rent free, in a recently-built house forming part of the Hospital buildings. The Warden has an annual stipend of 375 $\frac{1}{2}$ l. On six days of the week prayers are said, according to the liturgy of the Church of England, in the morning and afternoon, by either the Warden or the Confrater in the Hospital, and such services are to be attended by the 12 poor men and women, unless hindered by good cause. The late Warden, who died in the autumn of 1888, very frequently did ecclesiastical duty elsewhere than in the Hospital, and I have been informed and believe that, by such ecclesiastical duty, he augmented his income very considerably. The Confrater is simply a sub-Warden, and need only be called upon to act when the Warden is

prevented by absence, illness, or other reasonable cause from acting.

5. “In an affidavit made by Mr. Clabon, and filed in the matter aforesaid, and read in Court at the hearing of the application for a revision of the existing scheme, reference is made to a petition from several former Mayors of the borough who, during their term of office, were Governors of the charity, and part of such petition related to the duties of the Confrater. Such predecessors in the office of Mayor believed, and I verily believe, that a salary of 50*l.* a year would be an ample stipend for the duties which a Confrater ought fairly to be called upon to perform under the scheme. I am of opinion that the duties of the Warden and Confrater respectively ought to be authoritatively defined.

“6. I have also read a copy of a joint affidavit recently made in the matters aforesaid by the Very Reverend the Dean of Stamford and the Reverend Charles Oldfield, the Vicar of All Saints’, in Stamford. I unhesitatingly say that, in my opinion, the draft scheme of her Majesty’s Attorney-General is not, nor is any part thereof, ill-judged, nor in anywise calculated to create a majority of Governors hostile to the Hospital, or to provide Governors not capable of efficiently controlling the charity and its estates.

“7. It is true that of the gentlemen who are Justices of the Peace for the borough of Stamford, ten have had children who have been scholars at the said schools, and I am one of such ten ; but I never heard it suggested until I read the said joint affidavit that any cause whatever existed, and I am positively of opinion that no cause exists or is likely to exist, which would prevent, or be likely to prevent, any such Justice from acting fairly and properly in selecting from their own body a Governor or Governors of

the Hospital; nor do I believe that any Justice or Justices so elected would be in anywise likely to act unfairly, or with any undue bias, as suggested in and by such joint affidavit. The said schools are not confined to the town of Stamford. There is not any restriction as to the places from whence pupils (as boarders or otherwise) may be sent to such schools.

"8. During the year 1888 I personally and carefully viewed the estates belonging to the said Hospital, and made myself thoroughly well acquainted therewith, and with the occupiers thereof, and also with the cultivation and management of each farm. I am told and believe that the said Dean and Vicar have not, during their respective tenure of office as Governors, gone over the Hospital Estates.

"9. I was first elected a member of the Town Council of the borough of Stamford in 1869, and I am altogether unable to concur in the suggestion in such joint affidavit made to the effect that undue preference, to the prejudice of the charity, might be given by any member of such council being elected a Governor of the charity. I am positively of opinion that the members of the said council, as well as the said Justices of the Peace, are fully capable and are in every way well qualified to be entrusted with the power of appointment which the scheme of her Majesty's Attorney-General proposes to give them respectively.

"10. The Municipal Corporation of Stamford is possessed of houses and land, and the same are well managed. Some of the members of the council are farmers, and others are connected with agriculture, and conversant with agricultural pursuits.

"11. Many of the Stamford Justices of the Peace and

many of the members of the said Town Council, are members of several other public bodies, and hold positions of trust. They frequently have to attend to business matters outside the borough, and, in my opinion, there is absolutely not any foundation whatever for the suggestion that anyone elected by either of those bodies (and who accepted the office) is likely to be prevented from giving proper attention to the duties thereof, or to the management of the Hospital estates.

“12. Of the present 24 members of the Stamford Town Council, eight have been Mayors, and, during their respective term of office, were therefore Governors of the Hospital. At a public inquiry held at the Town Hall, in Stamford, by Mr. Skirrow, an Assistant Commissioner of the Charity Commission, on the 20th April, 1882, Mr. Oldfield, the said Vicar of All Saints’, spoke in high terms of the assistance rendered by the Mayors as Governors. The remarks then made by such Vicar—as reported in the public press, and, as I am informed and believe, correctly reported—were as follows :—

“‘With respect to the observations as to the Mayor’s continuing in office only one year, and knowing little or nothing about the duties of a Governor on his taking office, and having to retire just as he was becoming instructed in the duties of the office, all he could say was that, instead of the Mayor finding himself useless and not being consulted, his work upon the board was most useful ; and they were thoroughly appreciated by the permanent Governors of the charity for their instinctive readiness to give advice and assistance in all matters connected with the business of the trust, and he, as a Governor, would not like to take the responsibility of such an office without them, for, coming as they did from different trades and occupations, they

were just the persons to supply them with information they required.'

"There is now produced to me, marked S1, a reprint from the *Stamford Mercury* newspaper containing a report of the said inquiry of the said 20th April, 1882. The words quoted above appear on page 13 of such reprint.

"13. Each Mayor is annually elected by the council from the Aldermen or Councillors, or (since 1881) from persons qualified to be Aldermen or Councillors. The invariable practice during the time I have been connected with the Town Council of Stamford has been for the Mayor to be elected from the council ; and the remarks made by the said Vicar, and hereinbefore quoted, are, I submit, applicable not only to the members of the council who have filled the office of Mayor, but to the members of the council generally. The council would, in my opinion, carefully select members possessing business qualifications and information, and who would be able and likely to render valuable and disinterested advice and assistance in all matters connected with the business of the trust.

"14. The founder of the charity, William Browne, was a wealthy merchant of the Staple of Calais, who resided, and whose family had been long resident, in the town of Stamford. He died in the year 1488 or 1489. In a former affidavit made by me in this matter, on the 2nd of January last, reference is made to the foundation, and particularly to the first statute made under the grant of King Richard III., and I respectfully submit that the same shows that the founder contemplated certain external services for the benefit of the inhabitants of Stamford generally. The Hospital itself, and much of the real estate of the endowment, is in the Borough of Stamford, and so much of such real estate as is not in such borough is generally within reach

thereof.* The printed schedule now produced to me, marked S2, contains particulars of the real estate of the Charity, including the situation thereof. The figures in red ink against the name of each place mentioned in such schedule gives the distance of such place from the said borough.

“15. All the officers appointed by the Governors of the Hospital, including the steward and estate agent, reside and carry on business in the borough of Stamford. The meetings of the Governors are held in the said borough.

* The following is the schedule referred to in paragraph 14 of the Mayor’s affidavit :—

Browne’s Hospital real estate, other than the bedehouses and the Stamford St. Martin’s property, is situated as follows :—

| | Miles from Stamford. |
|--|-------------------------|
| <i>Lincolnshire—</i> | |
| North Witham, Lobthorpe, and Twyford | 11 |
| Swayfield | 10 |
| South Witham | 10 |
| Tallington | 4 |
| Carlby | 5 |
| Castle Bytham | 9 |
| Sutton St. Edmund | 22 |
| Barholm | 5 |
| Hogsthorpe | 53 |
| Woolsthorpe | 20 |
| Creeton | 8 |
| <i>Northamptonshire—</i> | |
| Wothorpe | 1 |
| Newborough | 12 |
| Easton | 2 |
| Warmington | 11 |
| <i>Rutland—</i> | |
| North Luffenham | 7 |
| Whissendine | 14 |
| <i>Leicestershire—</i> | |
| Sewstern | 13 |

“ 16. In my opinion it is desirable that a Justice of the Peace for the borough of Stamford and two members of the Town Council of the said borough should be Governors of the Charity. I notice that in the joint affidavit hereinbefore referred to, whilst objection is taken to such Justices or members of the said council being Governors, because of the suggested possibility of their being inclined to act partially as between the endowed schools and the Hospital, no objection is taken to two Governors being appointed directly by the Governors of the said school. In my opinion there is not the least ground for the suggested partiality, and I believe that the governing body suggested in and by the scheme of Her Majesty's Attorney-General is one well calculated to secure the well-being of the Hospital, and the efficient management of the real estates and matters connected therewith. The said Dean of Stamford and the said Charles Oldfield are Governors of the said school as well as of the Charity.

“ 17. The said scheme has been submitted to the said Town Council, and that body has suggested to Her Majesty's Attorney-General that of the two Governors to be first appointed by such council (should such scheme receive the sanction of this Honourable Court) one should hold office for three years, and the other for six years, and that each Governor afterwards appointed by such council should hold office for six years and be eligible to be re-elected. In support of such suggestion the said council have invited attention to Section 14 of the Municipal Corporation Act, 1882, and Section 104 of the Local Government Act, 1888. I concur in such suggestion, and venture to submit the same to the Court.

“VALENTINE STAPLETON.”

That the Town Council would allow the affidavit of the Dean and the Vicar of All Saints’ and that of the Confrater to pass unnoticed no one for one moment expected. A special meeting was held on the 8th of May, the Mayor in the chair. The affidavits were taken as read, printed copies having been supplied from the *Mercury* Office to all the members of the council.

The Mayor said that, since the question of this charity was last before the Town Council, the standing Governors of Browne’s Hospital had filed an affidavit, of which the members of the council had printed copies. He, as Mayor, had thought it right to file an affidavit in reply, and that the matter should be brought before the members of the Corporation. He therefore had caused it to come up for consideration that night.

Indignation speeches were delivered, some of them in terms which may well be forgotten. The following passage from the address of Alderman Betts is comparatively gentle, and expresses, in a few far from flattering words, the opinion generally entertained by the meeting of the affidavit of the standing Governors :—

“ These gentlemen have, by assumption, in their affidavit, claimed that we as a council, and that the magistrates on the bench, are incompetent ; and also the town—I mention the town because it is a reflection on the ratepayers to send such novices to the council. As Dr. Bayly has said, ‘ Of all evils the lust of power is the subtlest and the most terribly seductive. Yet it is the insanest, and emptiest of results.’ That is true with regard to those rev. gentlemen who have assumed the position which really does not belong to them. I have much pleasure in supporting what has been done on this occasion, and I think we shall prove, as Dr. Bayly also says, that ‘ the foes of the freedom of

others are ever the destroyers of their own.' (Hear, hear.) I think those rev. gentlemen will find that they have destroyed their own freedom. (Hear, hear.) We are here as business men, and during my years of office as Mayor I know the Vicar of All Saints' elicited my opinion on more than one occasion, and he accompanied me to part of the estate belonging to Browne's Hospital, and he declared to me how thankful he was that he had got a business person to accompany him to survey the estate. I am glad that this insult to the magistrates, to the council, and to the town, has been resented by our worthy Mayor in his counter-affidavit, and that he has confronted the antagonistic influences of those narrow-minded rev. gentlemen, who have assumed the position they have."

It is much to be regretted that the Hospital authorities, who had previously supported their cause with consummate skill and a large amount of wisdom, should, at a critical moment, have so unnecessarily and so gravely, given offence to those, of whom not a few may, from time to time, be engaged with them in officially considering the interests of a Charity, of which all Stamford may well be proud. That the two Governors meant well is certain, that they acted with anything approaching to discretion their most friendly critics will not dare to maintain.

Although on January 25th the scheme went back to Chambers, nothing was done there, as Mr. Justice Chitty intimated that the points were so important, that he wished them to be argued before him in Court, and not in Chambers.

The hearing took place on the 6th of August, when Mr. Farwell, who appeared for the Attorney-General, said that since this matter went before his lordship on a former occasion two or three points had arisen, on which it was

decided to take his lordship's opinion. The first point was as to the salary of the Confrater.

Justice CHITTY: What does the Attorney-General suggest? The Confrater now has 200*l.* a year.

Mr. FARWELL: The Attorney-General suggests 50*l.* The Confrater must be a clerk in holy orders, and under the circumstances, the Attorney-General is of opinion that, to a clergyman having employment in the neighbourhood, 50*l.* would be an accession of income—would be a consideration sufficient for what was required of the Confrater—who has nothing to do, except so far as the Warden is unable to do his duty: he is only there to do his duty if the Warden fails.

Justice CHITTY: What did I decide? 50*l.* on the one side and—

Mr. ROMER, Q.C., for the Dean of Stamford and the Vicar of All Saints' (two of the Governors): We should ask your lordship to continue the 200*l.*, but if that must be reduced, certainly not less than 150*l.*

Justice CHITTY: Practically Mr. Romer's argument is for the 150*l.*

Mr. FARWELL: The points on which the alterations are suggested are the number of Trustees, and secondly, the salary of the Confrater. There had been a difficulty about the diminution of the rents of agricultural land. It seems to have been considered that the Warden and Confrater were not both necessary, as there were only twelve almsmen in the Hospital. That view your lordship held was not sound, considering the Confrater an integral part of the corporation. In 1873, 1500*l.* a year was taken, or directed to be paid, out of the surplus income of the charity, for the benefit of the schools, and now there is not enough surplus income to pay 1500*l.* As to the Confrater, if the Warden

should happen to be away, it is desirable to have some person to take his place. It is deemed necessary to have some clergyman in the town who would be ready, in case of emergency, to act in the Warden's stead.

Justice CHITTY : In case of emergency? If he is called upon in emergency he is to perform the duties of the Warden, whatever they are; but if he is a beneficed clergyman with a cure, how, then, would he perform the duties?

Mr. FARWELL : If it occupies the whole of his time he could not take it, unless he has the means of getting assistance. My friend's (Mr. Romer's) clients, the Dean of Stamford and the Vicar of All Saints' (two of the Governors), make an affidavit.

Justice CHITTY : Do not read about the governing body. What do they say about the Confraternity?

Mr. FARWELL read as follows :—

“ We consider that as the Confrater is an integral part of the charity, and intended to be benefited by the founder, no part of the funds of the charity now paid to the Confrater should be diverted to any other object; and we are of opinion that, having regard to the intentions of the founder of the charity, the funds of the charity could not be better applied than in paying the sum of 200*l.* a year to a Confrater who performs the work hitherto done by the Confrater of the Hospital and is the incumbent of a small living in the town of Stamford, or who has, in Stamford or elsewhere, well and faithfully done good work as a minister of the Established Church.”

Justice CHITTY : You don't say what the work is.

Mr. FARWELL : That is what we are unable to do. Mr. Browning says :—

“ My duties are to join with the Warden in conducting the

daily morning and evening services in the chapel of the Hospital, to visit the sick and infirm inmates of the Hospital, when requested by the Warden, and to attend the annual and monthly meetings of the Governors.

"When the Warden is occasionally absent on the business of the Hospital, as well as during his absence on leave, I discharge the duties both of Warden and Confrater.

"As these duties are at present arranged, the greatest number of daily services which I may be called upon to perform in any year is 350, besides the visitation of sick inmates, and the other duties before enumerated.

"The actual number of daily services which I have performed in each year since my appointment is as follows:— 1883 (nine months), 231 ; 1884, 281 ; 1885, 294 ; 1886, 305 ; 1887, 287 ; 1888, 334."

Justice CHITTY : How many inmates of the Hospital are there ?

Mr. FARWELL : Ten old men and two old women.

Justice CHITTY : In 1888 it appears he performed 344 services, so that the Warden could have done nothing. Is the Warden a very old gentleman ?

Mr. FARWELL : Oh, it was the late Warden. He is now dead. There is a new Warden now.

Justice CHITTY : Let me look at the whole scheme, because I have not altered the duty.

Mr. FARWELL : No, my lord ; there is no question of altering the duty. It is the Warden primarily who has to do the duties.

Justice CHITTY : That does not relieve "the Warden or one of them" from the spiritual service and superintendence.

Mr. FARWELL : If your lordship thinks so.

Justice CHITTY : Well, you put it to me. You read me a clause in the scheme.

Mr. FARWELL : Yes, "that the Warden or Confrater, or one of them." Well, I think that clause remains unaffected by the amending scheme of the Charity Commissioners. I agree it is not one of those clauses mentioned, but you have the general provisions of those clauses which I have mentioned. The corporation consists of ten old men and two old women, and the Warden and Confrater were to attend to the spiritual wants of these twelve persons. The Warden has 375*l.* yearly and a house rent free ; the Confrater has now 200*l.* yearly.

Justice CHITTY : Which was the primary Charity ?

Mr. FARWELL : In this case the school suffers ; the Charity comes in first.

Justice CHITTY : Then everything, you say, that the Attorney-General does by cutting down goes to the schools ?

Mr. FARWELL : Yes, to 1500*l.* The diminution in income is 600*l.* or 700*l.* a year. That being so, what is to be done ? Of course it is very desirable that the Confrater should be paid a salary that we may secure the services of a gentleman of the Church of England, and we don't want to offer a salary that would be absurd.

Justice CHITTY : Who is the Confrater ?—not by name but by office ?

Mr. FARWELL : He is a Vicar.

Justice CHITTY (reading Mr. Browning's affidavit) : Oh ! "I am Rector of the parish of St. George . . in Stamford." Par. 8. "The population of the parish is 2092. The income is poor, all of which I pay to a curate."

Mr. FARWELL : At any rate it is a post in which the duties are not very onerous. Your lordship, I say, should consider this—the benefit of the charities taken together : which can best afford to spare something out of its income

to meet this deficiency. The person who is least necessary is the Confrater. All that is necessary for the Court to see is that a sufficient sum is offered to the future Confrater to secure the services of a gentleman of the Church of England. It is fair to assume that the Warden will perform his duties, for which 375*l.* a year is paid. The Confrater may say it is also fair.

Justice CHITTY: He cannot alter the scheme: he can reason.

Mr. FARWELL: You cannot think that the Warden, taking the salary and the house, would shirk his duties altogether.

Justice CHITTY: Not at all; but he may be away a great deal.

Mr. FARWELL: You see, he is a clergyman in the cure of souls, and when you say he may be away, it must be only for a short time.

Justice CHITTY: I am not going to say that he ought to be away.

Mr. FARWELL: I don't quite follow the bearing of the observation.

Justice CHITTY: I will make it plain by and by.

Mr. FARWELL: It is no use reducing the Confrater's salary to a small extent: you don't profit the schools in any way. If only 20*l.* or 30*l.* was to be taken away it is not worth while doing it. What is the way to test the gain? You have got a Warden at present; presumably he will do his duty, and perform his service; if so, there is nothing for the Confrater to do but to hold himself in readiness, and 50*l.* a year would be ample if he had only to do that. It is simply to hold himself in readiness to perform the duties when the Warden is not there; and if, in any case, anything renders it necessary to reduce the payments in some way, and if your lordship has held that the

stipend of the Confrater is to be reduced, then I think it is worth while to make sure that it is a substantial reduction. I submit that the Attorney-General's view of 50*l.* a year is the correct view.

Mr. SWINFEN EADY : I appear for the Mayor of Stamford, who is one of the Governors, and I support the scheme of the Attorney-General. The Mayor says 50*l.* will be sufficient. He says, as to the duties during the life of the late Warden, the Confrater performed more than his due share.

Justice CHITTY : That is so, evidently.

It being now past the hour for the rising of the Court, the case was adjourned. On Tuesday,

Mr. ROMER, on behalf of the Vicar of All Saints', Stamford, and the Dean of Stamford, addressed the Court, referring to the duties of the Confrater whenever the Warden was absent, and contending that at least 150*l.* a year was a reasonable sum. It was now 200*l.*, and his clients and Mr. Browning were in favour of that sum being continued.

Justice CHITTY said, in fixing the Confrater's salary it must be remembered that the Confrater was an integral part of the Charity, and care must be taken not to fix the salary at such a figure as practically to abolish the office ; and regard should be had to the nature of the duties performed, and the class of man required to perform such duties. Further, it must not be forgotten that the income of the Charity had seriously diminished. Taking all the circumstances into consideration he should fix the salary of the Confrater at 130*l.*

Mr. FARWELL said the second objection to the scheme was that it provided, that in addition to the present Governors (being the Dean of Stamford, the Vicar of All

Saints', Stamford, and the Mayor of Stamford for the time being), the Marquis of Exeter for the time being, should be an official Governor; and that the following should be non-official Governors, namely :—A Justice of the Peace for the borough of Stamford, to be appointed by the Justices of the borough; two Town Councillors of the borough, to be appointed by the Town Council; and two persons to be appointed by the Stamford Endowed Schools. The objection taken, however, did not appear to be well founded. The suggestion appeared to be that the borough Magistrates and the Town Council, if their members were made Governors of the Charity, would have a greater interest in the school than in the Hospital.

Justice CHITTY : Supposing they have ?

Mr. FARWELL : I confess that I do not see the *sequitur*, my lord. The other side allege that such Magistrates and Councillors have, or have had, children at the schools.

Justice CHITTY : Well, what then ? I understand, Mr. Romer, that your objection to the scheme is that it would localise the Charity ?

Mr. ROMER pointed out that if they once got a majority among the Governors they could put in force the Charitable Trusts Act of 1860, and could go to the Charity Commissioners and ask them to alter the whole scheme.

Justice CHITTY : Will the Charity Commissioners do that without good cause ?

Mr. ROMER could not say, but he was of opinion that it was not advisable to have a board practically representing only one class of persons. There was really nothing but the borough of Stamford represented upon this board. He objected to one member being appointed by the magistrates of the borough and two by the Town Council of the borough. The Mayor is of Stamford, so is the Vicar of

All Saints', so are nearly all the School Governors. The estates of the Charity are principally away from Stamford, and in Lincolnshire, Northamptonshire, and Rutland.

Justice CHITTY : What do you say to omitting your two Town Councillors, Mr. Farwell? The town seems to be pretty well represented.

Mr. FARWELL : I am afraid, my lord, that I could not assent to that.

Mr. ROMER remarked that the Charity Commissioners were no doubt influenced by the views put forward by governing bodies, and a petition might be presented to them by the Governors asking them to alter the whole scheme. All they asked was that more than one interest should be represented on the board. The County Justices, and not the Town Council would be the best to see to the estates, and be disinterested.

Mr. YATE LEE, on behalf of the Bishop of Lincoln, suggested that as this was not an eleemosynary but an ecclesiastical charity, all those who managed its affairs ought to be members of the Church of England.

Justice CHITTY : But Mr. Romer has given up that argument.

Mr. ROMER : Yes.

Mr. YATE LEE : It is for your lordship to decide whether this is an eleemosynary or ecclesiastical charity.

Justice CHITTY : You don't suggest that you can argue that?

Mr. SWINFEN EADY, who represented the Mayor of Stamford, supported the confirmation of the Attorney-General's scheme with the slight modification that, instead of the words "Town Councillors" there should be substituted the words "Members of the Council," which would include both Aldermen and Town Councillors.

Mr. FARWELL, replying to Mr. Romer, said that there was no foundation for the suggestion that any such application as his learned friend had referred to would ever be made to the Charity Commissioners. This was a suggestion to which the Court would not listen. It would be extremely inconvenient to make the alteration suggested by his learned friend.

Justice CHITTY confirmed the scheme of the Attorney-General, with the slight alteration suggested by the Mayor of Stamford, viz., to substitute for "Town Councillors" the words "Members of the Town Council," and ordered the costs of all parties to be paid out of the corpus of the Charity.

The new scheme, thus confirmed, was finally approved by Mr. Justice Chitty on the 11th of December, 1889. It provided, that the Governors to be elected by the Magistrates and Town Council of the borough and by the Governors of the Stamford Endowed Schools should be chosen within three months of the date of the scheme; and, accordingly, Henry Michelson, Esq., was elected by the Magistrates, and Alderman Valentine Stapleton and Alderman Frank Riley were elected by the Town Council, and William Earle Welby, Esq., and Sir Richard Cayley, Kt. by the Governors of the schools. The new body of Governors was, therefore, as follows :—

| | |
|--|--|
| The Dean of Stamford. | Henry Michelson, Esq. |
| The Vicar of All Saints', Stamford. | Alderman Stapleton. Alderman Riley. |
| The Mayor of Stamford. | William E. Welby, Esq. |
| The Marquis of Exeter. | Sir Richard Cayley. |

They held their first Meeting on the 13th March, 1890.

Such is the Story of the 'Domus Dei' of Stamford. The old Charity has passed through many roughings, braved many dangers, and rejoiced in many blessings; and cheering indeed is it, that, after sheltering and comforting God's poor for 400 years, it is now in a more flourishing condition than when it came fresh from the Christian love of William Browne. May its Governors and Directors ever prove faithful to their sacred charge; may the earnest prayer of each and all be—

"Floreat Hospitalis Gulielmi Browne."

SCHEMES
FOR THE
MANAGEMENT AND REGULATION
OF THE
"DOMUS DEI" OF STAMFORD
(HOSPITAL OF WILLIAM BROWNE).

CONTENTS.



SCHEME APPROVED BY ORDER OF THE HIGH COURT OF CHANCERY.

DATED 11TH FEBRUARY, 1854.

| CLAUSE | PAGE |
|--|------|
| 1. Title and objects of the Hospital | 413 |
| 2. Governors and Trustees, and their power to make Bye-Laws | 413 |
| 3. Performance of Religious Services in the Hospital | 414 |
| 4. Observance of the Bye-Laws of the Hospital, and correction of abuses | 414 |
| 5. The Confrater to be <i>sede vacante</i> acting Warden ... | 415 |
| 6. Deputy Warden or Confrater, on Warden or Con- frater becoming infirm or incompetent to fulfil his Office | 415 |
| 7. Appointment of Warden or Confrater | 415 |
| „ Court of Chancery to fix Stipends | 416 |
| 8. Appointment of the poor people | 417 |
| 9. Qualification of Warden and Confrater | 418 |
| 10. Qualification of poor people | 418 |
| 11. Time for Warden or Confrater elect to come into residence in Hospital, and Form of Admittance | 419 |
| 12. Form of Declaration | 420 |
| 13. Time for poor people to come into residence, and Form of Admittance | 421 |
| 14. Form of Declaration | 422 |
| 15. Stipends of present Warden and Confrater ... | 422 |
| 16. Allowances to present and future poor people ... | 423 |

| CLAUSE | PAGE |
|---|------|
| 17. Rule and Governance of the Hospital ... | 423 |
| „ Audit of Accounts | 424 |
| „ Absence of Warden, or Confrater, or both ... | 425 |
| „ Regulations and duties to be observed and per- formed by Warden and Confrater | 425 |
| 18. Religious duties of Confrater | 427 |
| „ To be subject to penalties | 427 |
| 19. Regulations as to poor people | 428 |
| 20. Do. do. | 428 |
| 21. Do. do. | 429 |
| 22. Do. do. | 429 |
| 23. Do. do. | 430 |
| 24. Do. do. | 430 |
| 25. Do. do. | 430 |
| 26. Do. do. | 431 |
| 27. Do. do. | 432 |
| 28. Do. do. | 432 |
| 29. Do. do. | 433 |
| 30. Do. do. | 433 |
| 31. Closing of Gates | 434 |
| 32. Fines and Forfeitures to be deducted from Stipends and paid to the common fund | 434 |
| 33. Copy of Bye-Laws to be hung up in the Common Hall and Members' Rooms | 434 |
| 34. Keeping of the Common Seal, Muniments, Books of Account, &c., and sealing Documents ... | 434 |
| 35. Letting of the Hospital Estates | 435 |
| 36. Preparation and Registration of Leases | 435 |
| 37. As to Alienation, Conversion, or Exchange of Pro- perties of the Hospital | 436 |
| 38. Receipt of rents, moneys, and fines, and their application. Warden to give Security | 436 |
| 39. Allowances to be made on Audit of Warden's Annual Accounts | 437 |
| 40. Publication of Accounts | 437 |
| 41. Scheme to be printed | 437 |

SCHEME FOR APPLYING, FOR THE ADVANCE-
MENT OF EDUCATION, PART OF THE
INCOME OF THE HOSPITAL.

DATED 26TH JUNE, 1873.

| CLAUSE | PAGE |
|--|------|
| 1. Declaration of consent of Governing Body ... | 438 |
| 2. Educational endowment | 438 |
| 3. Construction of Scheme | 439 |
| 4. Charity Commissioners to make new Schemes ... | 439 |
| 5. Scheme to be printed | 439 |
| 6. Date of Scheme | 439 |

SCHEME ESTABLISHED BY ORDER OF THE
CHARITY COMMISSIONERS.

DATED 6TH AUGUST, 1875.

| CLAUSE | PAGE |
|--|------|
| 1. In Substitution of Clause 9 of the Scheme of 1854 | 440 |
| 2. In Substitution of Clause 11 | 440 |
| 3. In Substitution of Clause 15 | 441 |
| 4. In Substitution of Clause 17 | 442 |

SCHEME APPROVED BY ORDER OF THE HIGH
COURT OF JUSTICE, CHANCERY DIVISION.

DATED 11TH DECEMBER, 1889.

| CLAUSE | PAGE |
|---|------|
| 1. Scheme to be supplemental to that approved 11th February, 1854 | 447 |
| 2. Governors | 447 |
| 3. Corporation of the Charity shall permit the Governors to act... .. | 448 |
| 4) } How Governors to cease being so | 449 |
| 5) } | |
| 6. Filling up of Vacancies | 449 |
| 7. Meetings of Governors | 450 |

| CLAUSE | PAGE |
|---|-----------------|
| 8. Quorum at Meetings of Governors | 45 ⁰ |
| 9. Power to adjourn | 45 ¹ |
| 10. Power to call Special Meetings | 45 ¹ |
| 11. Power to appoint Committees | 45 ² |
| 12. Minute and Account Books to be kept | 45 ² |
| 13. Orders for money to be signed | 45 ² |
| 14. Banker | 45 ² |
| 15. Stipend of future Confrater | 45 ³ |
| 16. Allowances to be made on Audit of Warden's accounts | 45 ³ |

S C H E M E,

1854.

1. The messuage, chapel, and other edifices and premises on Claymount, within the Borough and Town of Stamford, in the County of Lincoln, now in the occupation of the said Hospital, shall be for ever an Almshouse under the title of "The Almshouse of William Browne, Merchant;" and in the said Almshouse there shall be a Warden and Confrater, ordained priests of the United Church of England and Ireland, and ten poor men and two poor women, to be chosen and appointed according to the provisions of the following Statutes, to be under the reasonable rule and government of the said Warden.

Title and objects of the Hospital.

2. The Dean of Stamford for the time being, the Vicar of the Parish of All Saints, in the Town of Stamford, for the time being, and the Mayor of the Borough of Stamford for the time being, shall be the Governors and Trustees of the said Almshouse, with powers to make, alter, and rescind, from time to time, such bye-laws and ordinances, as to them may seem necessary and proper for the good government, regulation, and discipline of the said Almshouse and inmates thereof, and for the care, protection, and due administration of the property of the said Hospital and the revenues thereof, and, when necessary, to appoint an agent or surveyor, and such other officers or servants as may be necessary for the interests

Governors and Trustees, and their powers to make Bye-Laws.

of the Charity and the general purposes of the establishment, provided, however, that no such bye-law or ordinance be contrary to the laws of the realm, or the scheme approved of by the Court of Chancery for the government of the said Hospital, and the regulation of its property and the revenues thereof, or to these present Statutes.

Performance
of Religious
Services in the
Hospital.

3. The Warden and Confrater, or one of them, shall perform in the said Almshouse, in the morning and evening of every week-day, divine service according to the liturgy of the United Church of England and Ireland, and all the poor men and women of the said Almshouse shall, unless hindered by reasonable cause, attend such daily service, and shall also, unless so hindered, attend divine service on Sundays, in the Parish Church of All Saints, in the Town of Stamford; and the Warden and Confrater, or one of them, shall perform such other spiritual offices as may from time to time be proper to be performed for the benefit of the said Almshouse, and subject to the above provision: the Bishop of Lincoln for the time being, with the approbation and consent of the Archbishop of Canterbury for the time being, is to appoint, direct, and regulate what spiritual offices are to be performed on Sundays and week-days, in addition to those above prescribed.

Observance of
the Bye-Laws
of the Hospital
and correction
of abuses.

4. The said Governors of the said Hospital for the time being are to see that all the statutes, bye-laws, and ordinances of the said Almshouse are duly observed and kept; to punish, correct, and reform all abuses and offences, whether committed by the Warden or Confrater, or by any other member of the house; and for this purpose they, or the majority of them, may fine as hereinafter

provided, and may suspend, or deprive and expel from his or her office, place, benefit, or pension, the said Warden and Confrater, or any other member of the said Almshouse ; provided that in case of sentence of suspension for more than three calendar months, and in case of deprivation or expulsion, the party complaining may appeal against the sentence of the said Governors to the Bishop of Lincoln for the time being, whose decision thereon shall be final, unless such sentence shall have been passed by the unanimous consent of all the said Governors, in which case there shall not be any appeal therefrom.

5. Whenever it shall happen that the office of Warden of the said Hospital is vacant, the Confrater is to be *sede vacante* acting Warden of the said Almshouse and of the inmates thereof, and is to take upon himself and to execute and discharge all the duties and functions appertaining to the office of Warden, until a new Warden is admitted.

The Confrater to be *sede vacante* acting Warden.

6. If at any time hereafter it shall happen that the Warden or Confrater for the time being is, from mental or other infirmity, incompetent to perform the duties of his office, the Governors of the Hospital, or the majority of them, shall appoint some fit and proper person as deputy, to discharge the duties of the office during his incompetency, and shall pay out of the funds of the Hospital the whole or such portion as they may think fit of the expenses so incurred.

Deputy Warden or Confrater on Warden or Confrater for the time being becoming infirm or incompetent to fulfil his Office.

7. When, and so often, as a vacancy shall occur in the office of Warden or Confrater, the Dean of Stamford and Vicar of the church of All Saints aforesaid, for the time

Appointment of Warden or Confrater.

being, shall, within fourteen days next following the date of such vacancy, nominate to the vacant office some fit and proper person as to them shall seem meet, in the room of such Warden or Confrater, as the case may be ; and in default of the said Dean and Vicar so nominating as aforesaid, within the space of fourteen days next after the occurrence of such vacancy, then the heir of William Browne (the founder) shall exercise such right of nomination as aforesaid, as the said Dean and Vicar might have done, and in as full and ample a manner ; and in default of the heir of the said William Browne so nominating as aforesaid within the space of twenty-eight days next after the occurrence of such vacancy, then the Mayor of the borough of Stamford for the time being shall exercise such right of nomination as aforesaid, as the said heir of the said William Browne might have done, and in as full and ample a manner ; and in default of the said Mayor of Stamford so nominating as aforesaid within the space of forty-two days next after the occurrence of such vacancy, then the Bishop of Lincoln for the time being shall exercise such right of nomination as aforesaid, as the said Mayor of Stamford might have done, and in as full and ample a manner ; and in default of the said Bishop of Lincoln nominating as aforesaid within the space of fifty-six days next after the occurrence of such vacancy, then the right to nominate to such vacant office shall revert again to the said Dean and Vicar, and to the heir of the said William Browne, and to the said Mayor of Stamford and Bishop of Lincoln, in the same order as to succession and time as aforesaid, until such vacancy shall be filled up ; and every Warden or Confrater so to be appointed as aforesaid shall receive such salary, compensation, and allowance as the Court of Chancery shall from time to time

direct ; provided that the appointment of every Warden and Confrater to his office, shall be by deed poll signed and sealed by the parties or party making the same, and shall be duly attested.

8. When, and so often, as a vacancy shall occur in the place of any of the poor people, the Dean of Stamford and Vicar of the church of All Saints aforesaid, for the time being, shall, within fourteen days next following the date of such vacancy, nominate to the vacant place some fit and proper person, as to them shall seem meet, in the place of such poor person ; and in default of the Dean and Vicar so nominating as aforesaid within the space of fourteen days next after the occurrence of such vacancy, then the Mayor of the borough of Stamford for the time being shall exercise such right of nomination as aforesaid, as the said Dean and Vicar might have done, and in as full and ample a manner ; and in default of the Mayor of Stamford so nominating as aforesaid within the space of twenty-eight days next after the occurrence of such vacancy, then the Bishop of Lincoln for the time being shall exercise such right of nomination as aforesaid, as the said Mayor of Stamford might have done, and in as full and ample a manner ; and in default of the Bishop of Lincoln so nominating as aforesaid, within the space of forty-two days next after the occurrence of such vacancy, then the right to nominate to such vacant place shall revert to the said Dean and Vicar, and to the said Mayor of Stamford and Bishop of Lincoln, in the same order as to succession and time as aforesaid, until such vacancy shall be filled up, and the appointment of every such poor person shall be by writing, signed by the parties or party making the same, and shall be duly attested.

Appointment
of the poor
people.

Qualification
of Warden
and Confrater.

9. No person shall be elected Warden or Confrater before he is forty-five years of age, and the person so elected is to be an ordained priest of the United Church of England and Ireland, and of good life and conversation and free from every infirmity, bodily and mental, which might in any way interfere with the due discharge of the functions of his office. The Warden or Confrater shall not hold with his place and pension in the said Almshouse any other benefice, office, or appointment, ecclesiastical or civil, with or without cure of souls, which would in the judgment of the Bishop of Lincoln for the time being interfere with the due performance of his duties as Warden or Confrater.

Not to hold
any other Of-
fice without
the consent of
the Bishop of
Lincoln.

Qualification
of poor people.

10. The parties to be nominated poor people of the said Hospital must be Widows or Widowers, or unmarried persons of good character and reputation, and most devout and needy, and not less than fifty years of age ; they must not be subject to fits, nor to any bodily or mental disease or infirmity which may be dangerous, or offensive, or noisome to their fellows ; they must not at the time of election have, nor must they have had within the preceding twelve months, an annual income for their own use and benefit of Twenty pounds, except it be by way of allowance or annuity from any society or charitable institution, provided that if any poor person, a member of the said Almshouse, shall marry or shall become possessed of an annual income of Forty pounds, by any means, he or she, as the case may be, shall immediately *ipso facto* forfeit his or her place and pension in the said Almshouse, and another shall be chosen in his or her room, as the case may be ; but if such annual income shall exceed Twenty pounds, but not amount to

Forty pounds, then he or she shall be bound to pay over to the Warden of the said Hospital for the use of the said Almshouse, every year, without guile or fraud, the surplus of such income, whatever it may be, over and above the said sum of Twenty pounds, and in default of so doing, shall forfeit his or her place and pension in the Almshouse, which shall thereupon become vacant.

II. The Warden and Confrater elect shall come into residence in the Almshouse within one calendar month after the date of his election, unless prevented by holding any ecclesiastical cure or office, in which case the period may be extended to any term not exceeding three calendar months, at the discretion of the Governors, and shall be admitted in manner following, that is to say, immediately after some one of the daily religious services of the Almshouse, not being on a Sunday, he shall read the Deed whereby he is appointed Warden or Confrater, and shall make the Declaration hereinafter prescribed, in the presence of all the Governors of the said Hospital, or at least in the presence of the said Vicar of All Saints', or in his absence, in the presence of the said Dean of Stamford, or in the absence of both the said Vicar and Dean, in the presence of the said Mayor of Stamford, and also in the presence of all the members of the House, or as many as can attend (none to be excused except from illness or infirmity, or other reasonable cause), and thereupon the Governor or Governors present shall hand to him a copy of the Statutes and Bye-Laws and Ordinances of the said Almshouse, and shall declare the said Warden or Confrater elect duly admitted; and in case of the Warden, shall put him in possession of his

Time for Warden or Confrater elect to come into residence in the Hospital and form of admittance.

office, by delivering to him the keys of the Warden's house in the said Hospital, and one of the keys of the outer gate of the said Hospital, of which there shall be two; and in case of the Confrater, shall put him in possession of his office, by delivering to him the keys of the Confrater's house in the said Hospital, and the other key of the outer gate.

Declaration.

12. The Warden and Confrater elect shall, before he is admitted, make a declaration in the form following, that is to say: "I, A. B., being about to be admitted "Warden (or Confrater) of this Almshouse of William "Browne, do declare, that I will faithfully and im-
"partially, to the best and utmost of my power, execute
"all the trusts and duties imposed upon me by the
"statutes, bye-laws, and ordinances of the said House,
"and of the Founder thereof, now and from time to
"time existing and being in force: and that I will keep
"and inviolably observe as far as they concern me,
"and to the best of my power will cause and procure
"to be kept and faithfully observed by others, all the
"said statutes, bye-laws, and ordinances, according to
"the plain, literal, and grammatical meaning of them;
"and that I will by all possible means in my power
"maintain and defend the peace, tranquillity, and
"character of this Almshouse, and the unity of all that
"dwell therein, and cause the same to be observed and
"done by others; that I will always diligently seek
"the profit and advantage of the said Almshouse, and
"not my own private gain or benefit, and that I will
"strive to maintain the rights and interests of every
"Member of this Almshouse, and that I will not consent
"or agree to any act or thing whatsoever whereby the

"poor of this Almshouse, or any of them, or any member
 "of this Almshouse, may be defrauded, or the good
 "intent of the Founder be frustrated, nor make or
 "execute any bargain or contract contrary to the intents
 "thereof, or to the statutes, bye-laws, or ordinances of
 "the said house, or to the prejudice or hurt of any
 "person of or belonging to the same, and that I will
 "not in any way procure nor (so far as in me lies)
 "suffer any such contract or bargain to be made or
 "executed by any others, nor counsel, aid, or favour
 "the doers or doer of them, or any of them, and that
 "I will willingly submit to, and in all humility suffer
 "the penalties of, any statute, bye-law, or ordinance now
 "or hereafter to be made or ordained to prevent dis-
 "obedience in the members of the said Almshouse, and
 "for the punishment, correction, and reform of abuses
 "and offences, and for the good rule and regulation of
 "the said House, according to the full force and form
 "and true meaning of the said statutes, bye-laws, and
 "ordinances."

13. The poor men and women appointed to the said
 Hospital shall come into residence in the Almshouse
 within fourteen days, and not sooner than eight days,
 after the date of their respective appointments, and shall
 be admitted in manner following; (that is to say), the
 appointee shall present to the said Warden, or in his
 absence to the said Confrater, or in the absence of both
 to the said Vicar of All Saints', and in his absence to the
 said Mayor of Stamford, his or her appointment, and
 the said Warden or Confrater, or Vicar or Mayor, as the
 case may be, shall without delay read the said appoint-
 ment immediately after some one of the daily religious

Time for poor
 people to come
 into residence,
 and form of
 admittance.

services of the Almshouse (not being on a Sunday) shall have ended, in the presence of the party appointed and of all the members of the House, or as many as can attend, none to be excused except from illness or infirmity or other reasonable cause, and shall hand to such appointee a copy of the statutes and of the bye-laws and ordinances of the said Almshouse, and such appointee shall thereupon make the declaration hereinafter prescribed, and the said Warden or Confrater, or Vicar or Mayor, as the case may be, shall then immediately after declare the said appointee duly admitted.

Declaration.

14. The declaration of the said poor men and women to be taken or made at their admission shall be as follows, that is say:—"I, C. D., being about to be admitted a member of this Almshouse, declare, that "during the time I am an inmate of this Almshouse I "will truly keep and observe to the utmost of my power "all the statutes, bye-laws, and ordinances of the said "Almshouse, and will in all humility submit myself to, "and suffer the punishments and penalties of, any statute, "bye-law, or ordinance, now or hereafter to be made or "ordained to prevent disobedience, and for the correction "and reform of abuses, and for the good government "and regulation of the said Almshouse, and the peace "and tranquillity thereof, and that I will to the best of "my power maintain and uphold every such bye-law and "ordinance."

Stipends of
present Warden
and Confrater.

15. The stipend of the present Warden shall be 375*l.* per annum, and the stipend of the present Confrater shall be 312*l.* per annum, to be paid by four quarterly instalments on the 31st day of March, the 30th day of June,

the 30th day of September, and the 31st day of December in each year, and such stipends are to be exclusive of all fees and allowances of every kind, and free and clear of all rates, taxes, and repairs, and to be computed from the date of the Warden's last annual account next preceding the decree on further directions in this cause; and in case the revenues of the Hospital shall not admit of the aforesaid stipends to the present Warden and Confrater, after paying all necessary outgoings and the present payments and allowances to the poor people, then the said stipends of 375*l.* and 312*l.* respectively, are to be made up to the said present Warden and Confrater out of the corpus funds for the time being of the said Hospital.

16. The payments and allowances to the poor people shall continue as at present until the revenues of the Hospital shall admit of an increase in such payments and allowances, when the payments and allowances to the said poor people shall be increased to a sum not exceeding the sum of 30*l.* per annum to each poor man and to every poor woman, and such payments and allowances are to be made free and clear of all rates, taxes, and repairs.

Allowances to
present and
future poor
people.

17. The Warden, subject to the provisions of these statutes, and the bye-laws and ordinances from time to time to be made, shall have the rule and governance of the said Almshouse and of all the inmates thereof, and the administration of all the goods and chattels of the said Hospital, and of the income arising from the property of the Hospital under the supervision and direction of the Governors; and he shall make, upon his admission

Rule and
Governance of
the Hospital.

to his office, a full and true inventory of all the then goods, chattels, and property of the Hospital, and such inventory shall be made in the presence of the said Vicar of All Saints', or in his absence of the said Dean of Stamford, and, in the absence of both the said Vicar and Dean, then in the presence of the said Mayor of Stamford; and the said Warden shall from time to time thereafter enter in and add to such inventory all such other goods and chattels as may from time to time be purchased or acquired for the use of the said House; and such inventory shall be produced and shown at every annual audit of the accounts of the said Hospital; and the said Warden shall keep a proper account book, which shall always be open to the inspection of the said Governors or any of them, in which he shall from day to day make full and faithful entries of all his receipts and payments for or on account of the said Almshouse and the inmates thereof, and the said Warden shall make up once in every year a true and correctly stated account of his receipts and expenditure up to the 31st day of December in every year inclusive, and shall, after seven days' notice in writing of the day of audit to the said Governors, render such stated account, with all necessary vouchers, on the 2nd Tuesday in the month of February in every year, to be audited by the said Vicar of All Saints', in the presence of the said Dean and Mayor of Stamford, or one of them, or in the absence of the said Vicar, to be audited by the said Dean in the presence of the said Mayor, and in the absence of the said Vicar and Dean, to be audited by the said Mayor; provided always that in case any payment to be made by the said Warden shall, in his judgment, require special attention, the same shall be submitted before payment to the

Audit of Accounts.

judgment of the said Governors, or a majority of them, in the month preceding the said audit, and their opinion taken thereon, which shall be final. The said Warden and Confrater shall be resident and abiding in the Almshouse continually, and shall not be absent from it above three calendar months in the year, either at once or at several times, without leave asked and obtained of the said Vicar of All Saints', or in his absence, of the said Mayor of Stamford; and that such leave shall not be asked for except in case of illness, or some unavoidable necessity; and the said Warden and Confrater shall not be both absent at the same time, unless from unavoidable necessity, provided that if it shall so happen that the said Warden and Confrater shall both be absent at the same time, then the Governors shall appoint some fit and proper person to perform the duties of the said Warden and Confrater during the time they shall both be absent, as aforesaid, and such person so to be appointed shall receive a sum not exceeding Three guineas per week, as the said Governors shall direct, for the performance of such duties, to be paid to him by the said Warden and Confrater, in proportion to the amount of their respective stipends. The said Warden, and in his absence the said Confrater, shall have the spiritual charge and superintendence of every member of the said Almshouse. The said Warden, and in his absence the said Confrater, shall, on the 22nd day of September in every year, being the anniversary of the publication of the ancient statutes of the said Hospital, and at such other times and places as the Governors shall direct, read the statutes of the said Almshouse, in the chapel, or in the common hall thereof, immediately after morning service, audibly and distinctly, in the presence of all

Absence of
Warden or
Confrater or
both.

Regulations
and duties to
be observed
and performed
by Warden
and Confrater.

the members of the said House, or as many of them as can attend. The said Warden, and in his absence the Confrater shall maintain and keep order and discipline in the said Almshouse, and shall himself faithfully observe and keep all the statutes, bye-laws, and ordinances of the said Almshouse, and shall see and provide and take care that all the other members of the said Almshouse do the like, and he shall punish every breach of these statutes, and of the bye-laws and ordinances of the said Almshouse, so far as he may or can by virtue of such statutes, bye-laws, and ordinances, and shall report without delay to the said Governors all offences, disorders, breaches of discipline, and infringement of the statutes, bye-laws, and ordinances, which shall require their attention. The said Warden, or in his absence the Confrater, shall keep always one of the three keys of the common chest and the key of the muniment room ; and the said Warden and Confrater shall be attendant upon and assisting the said Governors, or any of them, whenever their or his presence is required at the said Almshouse. And the said Warden, or in his absence the Confrater, shall report to each of the said Governors without delay the death of any member of the said Almshouse, and also any particular by which a vacancy occurs in the said Almshouse, and shall give notice of any vacancy to the persons or person whose turn it is to nominate to such vacancy, if such persons or person can be found, and immediately on the receipt of a nomination, shall report the same to the said Governors, and if no objection be made within the prescribed period, shall admit the party nominated so soon as he or she shall apply ; and if such vacancy be not filled up within the time prescribed by these statutes, he shall notify the

same to the persons or person next in rotation, and so on till the vacancy is supplied. The said Warden, and in his absence the Confrater, shall keep a proper memorandum book or journal, in which he shall from time to time enter all such occurrences as may require to be recorded, with his observations thereon ; and particularly the admission and removal, whether by death or otherwise, of the several members of the said Almshouse ; and also all breaches and violations of the statutes, bye-laws, and ordinances of the said Almshouse, and of proceedings taken thereon ; and also the absence of any member from the prayers and Divine services of the said House, and the cause thereof ; and also the absence of any one from the Almshouse, and the length of such absence, and whether extended beyond the time allowed by the statute, and the cause of such lengthened absence, and by whose leave ; and such journal shall be always open to the inspection of the Governors or any one of them, and shall be produced at each annual audit.

18. The Confrater of the said Hospital shall be bound to perform such portions of the religious services and all other duties of the Almshouse as shall be assigned to him by the Warden, with the approval of the Bishop of Lincoln, and he shall be and act as the Deputy of the said Warden upon all occasions in which he is by these statutes obliged to appoint a Deputy ; he shall be under the reasonable rule and governance of the said Warden under the limitations of the statutes, and shall be under the like rule and governance, and subject to the like fines, penalties, punishments, and forfeitures as the said Warden is subject to.

Religious
duties of Con-
frater.

To be subject
to penalties.

Poor people
not to be
absent a whole
day nor to
engage in any
servile occupa-
tion without
leave of the
Warden or his
Deputy.

19. The poor men and poor women of the said Alms-house shall be resident and abiding therein continually, and shall not be absent from it for the space of a whole day without leave of the Warden or his Deputy ; and if the period of absence shall extend to a week, then not without leave of the said Vicar of All Saints', or in his absence, of the said Mayor of Stamford. The said poor men and women shall be obedient to the Warden or his Deputy in all things pertaining to the discipline and to the order and regulation of the Almshouse, and shall observe and keep faithfully all the statutes, bye-laws, and ordinances thereof ; they shall not engage themselves in any servile work, labour, or occupation out of the said Almshouse (except by the leave of the Warden or his Deputy), and they shall be always ready to render such assistance as may be required of them in cleaning the Almshouse, its courts, and passages (except the Warden's and Confrater's house), and in the performance of other domestic duties and occupations. The said poor men and poor women, who are in health and strength, and especially the said poor women, shall daily nurse, diligently succour, serve, and attend in all things meet their fellows who are sick, weak, or impotent ; and the said poor women shall be and shall conduct themselves as diligent and careful housewives, in nursing, washing, and such like things, befitting and appertaining to honest women, and that they be always, as far as is decent, ready and serviceable to the poor men in their sickness or infirmities.

Their duties in
the Hospital.

Rooms for
poor people.

20. Each poor man shall have to himself, at the appointment of the Warden or his Deputy, a room which he shall be bound to keep clean and neat, and without

wilfully annoying any of his fellows in any unseemly or improper manner ; and the poor women shall have separate rooms, or if necessary be lodged together, at the appointment of the Warden or his Deputy, which room or rooms they shall also be bound to keep clean and neat, and without wilfully annoying any of their fellows in any unseemly or improper manner.

21. If any poor man or woman of the said Alms-house shall receive and lodge any stranger in his or her room without the leave of the Warden or his Deputy, or shall admit and bring into the said Alms-house any persons or person whose admission thereto has been forbidden by the said Warden or his Deputy, the person so offending against the statute shall, for every such offence, forfeit and pay two weeks' pension or allowance ; and if after the third time and due admonition by the Governors, or any one of them, the offence be repeated, he or she shall *ipso facto* forfeit entirely his or her place and pension in the said Alms-house, and be removed therefrom.

Not to receive or lodge any stranger without leave, or admit any person whose admission has been forbidden.

22. If any poor man or woman of the said Almshouse shall be or abide any night anywhere in the town of Stamford, or in any place within a mile of the said town, without the leave of the Warden of the said Almshouse or his Deputy, he or she so offending shall forfeit for the first night's absence, one week's pension ; for the second night, two weeks' pension ; and for the third night, one whole month's pension ; and for any subsequent offence against this statute, the offender shall *ipso facto* forfeit his or her place and pension in the said Almshouse, and be removed therefrom, and another fit and proper person shall be chosen in his or her room and place.

Not to be or abide any night anywhere in the town of Stamford, or in any place within a mile of the town.

Not to go into
the town of
Stamford
without wear-
ing the livery
of the
Hospital.

23. The poor members of the said Almshouse shall not go into the town of Stamford without wearing the livery or clothes provided for them, and if any of the poor members shall offend in this particular, he or she so offending shall, for every such offence, forfeit a sum not exceeding two shillings and sixpence, and not less than sixpence.

Poor people
becoming
afflicted or
diseased.

24. If any poor man or woman of the said Almshouse, after his or her admission thereunto, shall be or become so afflicted with any disease, mental or bodily, as to be a terror to the rest, or be deemed by the Governors to be dangerous to himself or herself and others, or shall be afflicted with any infirmity or disease noisome or infectious to his or her fellows, it shall be lawful for the Governors to remove him or her so afflicted from the said House, and to allow to him or her so removed such portion of his or her allowance as they may think fit; and he or she shall be counted of the number of the said House till death, unless by infringement of the statutes of the said House, his or her place and pension therein be forfeited.

Penalties for
using railing,
quarrelsome,
or blasphemous
words; for
fornication,
adultery, &c.

25. Any poor man or woman of the said Almshouse who shall use any railing or quarrelsome words to the Warden, Confrater, or to any of his or her fellows, or shall in any way disturb the peace and quiet of the Almshouse, to the discomfort or annoyance of his or her fellows, or shall behave himself or herself stubbornly, or disobediently, or contemptuously towards the Warden or Confrater, or towards any one of the Governors, or shall utter any oath or blasphemous expression, shall forfeit and pay for any such offence a sum not exceeding two shillings and sixpence, nor less than sixpence; and

after the third offence and admonition by the Governors or any one of them shall, for any subsequent infringement of this statute, pay such further fine as the said Governors shall think fit to impose, or shall be wholly removed by them from his or her place and pension in the said Almshouse. Any poor man or woman of the Almshouse who shall be guilty of drunkenness, fornication, or adultery, or shall habitually and at undue times frequent any public alehouse or tavern, or other improper public place of resort, or shall be guilty of pilfering or stealing from any one of his or her fellows, shall for every such offence forfeit and pay a sum not exceeding five shillings, nor less than one shilling; and after the third offence and admonition by the Governors or any of them, shall for any subsequent infringement of this statute be wholly removed by them from his or her place and pension in the said Almshouse. Any poor man or woman of the said Almshouse who shall wilfully, wantonly, or by negligence injure or destroy any of the goods, chattels, or property of the Almshouse, shall forfeit and pay such a sum as in the judgment of the Warden shall be an equivalent for the injury or damage done by the offender, and for every subsequent offence of the same kind, shall forfeit and pay such further fine as the Governors, or any one or more of them, shall see fit to impose, or shall be wholly removed by them from his or her place and pension in the said Almshouse.

26. Any poor man or woman of the said Almshouse who shall practise gambling of any kind, or use any unlawful game within the House or abroad, or shall frequent any suspected house or houses of ill fame, or shall admit into his or her room or apartments any person

For gambling,
assault, riot,
&c.

who is or has been infamous for lewd life, or shall wilfully strike or assault the Warden or Confrater, or any one of the Governors or his or her fellows, or shall be publicly convicted of being engaged in any disgraceful riot or disturbance in the town or its vicinity, or shall be guilty of a breach of any one of the statutes of the said Almshouse, for which no specified fine or punishment is directed, shall on conviction before the Governors or any one or more of them, forfeit and pay for the first offence one week's pension or allowance; for the second offence, two weeks' pension or allowance; and for the third offence, shall at the discretion of the said Governors, or the majority of them, forfeit one whole month's pension or allowance, or be wholly removed from his or her place and pension in the said Almshouse. Any poor man or woman of the said Almshouse who shall be publicly convicted of larceny or felony, shall immediately be wholly removed from his or her place and pension in the said Almshouse, and another fit and proper person shall be chosen in his or her room.

If publicly convicted of larceny or felony to be wholly removed.

For keeping a dog or other animal within the Hospital without leave.

27. Any poor man or woman who shall keep any dog within the House, or any part of it, or shall, without leave of the Warden, keep any other animal objectionable to his or her fellows, shall forfeit his or her pension or allowance during the time he or she shall keep it.

For being absent from religious services.

28. Any poor man or woman who shall neglect, or absent himself or herself from the service of morning and evening prayers in the said Almshouse, or from the services of All Saints' Church on Sundays, unless prevented by illness, infirmity, or other unavoidable or

reasonable cause, or by attendance on divine service in the Almshouse, shall forfeit for every such absence or neglect, one whole day's pension ; and if the offence be repeated within one calendar month, two days' pension ; and if again within the same period, for the third offence shall forfeit one whole week's pension ; and if, after admonition by the Governors, or any one of them, the offence be repeated, he or she shall be wholly removed from his or her place and pension in the said Almshouse.

29. Any poor man or woman of the said Almshouse, who shall have obtained admission thereto by any false certificate or misrepresentation, or by fraudulent means, or in any way contrary to the statutes of the said House, shall immediately, on conviction thereof before the Governors, or any one of them, forfeit his or her place and pension therein, and be wholly removed therefrom, and be for ever disqualified for admission into the said House.

For obtaining admittance to the Hospital by fraudulent means.

30. The property in the livery or clothing, bedding, and every other thing which any member of the said Almshouse shall use or enjoy at the costs and charges of the said House shall be treated and considered as belonging to the said Almshouse, and not to any private person, and the same shall be delivered to every poor man and woman, upon condition that he or she shall not alienate the same ; provided, however, that any poor man or woman offending against this statute shall forfeit double the value of the article or thing alienated for the first offence, and for any subsequent offence shall be subjected to such further fine or punishment as the Governors may deem meet

The livery, &c., to be the property of the Hospital, and not to be alienated.

Closing of
Gates.

31. The Great Gate, and all other the outward gates of the said Almshouse, shall be shut and locked up at ten o'clock at night from the 1st day of May to the 1st day of September, and at eight o'clock in the evening from the 1st day of September to the 1st day of May ; and every one of the said poor men or women who shall not be within the said House when the gates are so closed, shall forfeit a sum not exceeding one shilling, and not less than twopence, for each offence against this statute ; and if it be repeated more than thrice, such further fines as the said Governors may think fit, not exceeding half-a-crown for each offence.

Fines and For-
feitures to be
deducted from
Stipends, and
paid to the
common fund.

32. All fines and forfeitures shall be deducted by the Warden or his Deputy from the stipends of the several offenders, and shall be paid to the common fund for the wants and use of the Almshouse.

Copy of Bye-
laws to be
hung up in the
Common Hall
and Members'
Rooms.

33. A copy of all the penal statutes, bye-laws, and ordinances of the said Almshouse, referring to the discipline of the Almshouse and the conduct of its inmates, shall be hung up publicly and continually in the common hall and members' rooms of the said House, so that all whom they may concern may take notice thereof.

Keeping of the
Common Seal,
Muniments,
Books of Ac-
count, &c., and
sealing Docu-
ments.

34. The Common Seal of the said Hospital shall be kept in the common chest of the said Hospital, and such common chest, and all the charters, privileges, writings, and records relating to the said Hospital and its property and possessions, shall be placed and kept in some safe and secure place or room to be called the Muniment Room, within the precincts of the said Almshouse ; and to the said common chest there shall always be three keys of different shapes and figures, answering to three

contrary locks, which shall be placed upon it ; and that of such three keys one shall be kept and remain in the custody of the Vicar of All Saints', or his Deputy for that purpose, to be appointed or approved by the Bishop of Lincoln; another shall be kept and remain in the custody of the Warden, or in his absence of the Confrater for the time being ; and the third of such keys shall be kept and remain in the custody of the most discreet and best conducted of the said poor men for the time being, to be selected and chosen by the Governors and Trustees of the said Almshouse for the time being ; and nothing shall at any time be sealed with the said common seal but by the consent of all the three keepers of the aforesaid keys. In the said Muni-ment Room, besides the common chest, shall be kept all the books, books of account, letters, papers, deeds, and securities of all kinds, belonging to the said Almshouse ; and the Warden, or in his absence the Confrater, shall always keep the key thereof ; provided however that the said Governors or any one of them shall at all times, at reasonable hours, have access and admission thereto, on application to the Warden, or in his absence to the Confrater ; and provided also that no person shall keep and have in his possession more than one of the three keys of the common chest aforesaid.

35. The estates and property of the said Hospital shall always hereafter be let at rack rent, either from year to year, or for terms of years not exceeding twenty-one years, and in possession and not in reversion.

Letting of the
Hospital
Estates.

36. All leases of the lands, tenements, hereditaments, and premises of the said Hospital shall be in writing, and shall be drawn up by the Steward of the said Hospital,

Preparation
and Registra-
tion of Leases.

and shall be registered in a book to be kept by the Warden, or in his absence, the Confrater, for such purpose, which book shall always be ready for the inspection of the Governors, or any of them, on application to the Warden.

Properties of the Hospital not to be aliened or converted except by direction of the Court of Chancery, or by way of exchange with consent of Dean of Stamford, &c.

37. The lands, tenements, hereditaments, and premises, with their appurtenances, which the said Hospital now has or hereafter may have, or any part or parcel of them, except such as the Court of Chancery shall direct, shall not in any way be aliened or converted to any other uses than those directed by the statutes, except it shall be by way of exchange, which shall be to the profit and advantage of the said Hospital; provided that no such exchange shall take place without the consent of the Dean and Vicar of Stamford, and of the Warden and Confrater for the time being.

Receipt of rents, monies, and fines, and their application.

38. The Warden, or in his absence the Confrater, shall receive all rents, interest, dividends on stock, proceeds of wood sales, together with all money due to the said Hospital from whatever source, and also all fines for breaches of the statutes, and all other income of the said Hospital, and shall place the same in a bank or some place of security to be approved by the Governors; and the vouchers for the aforesaid deposit, and the pass-book of the said bankers with the said Warden shall always be open to the inspection of the Governors or any of them; and the Warden shall enter into a bond with two sufficient sureties in a sum not less than the sum of six hundred pounds duly to account for and pay over the amount of what he may so receive. Provided always, that so soon as the balance due to the Charity shall attain to a sum to be fixed by the Governors, but

Warden to give security.

not to exceed six hundred pounds, one half thereof shall be paid over to the account of the Governors of the Hospital, in whose names it shall stand and be invested in a bank, the public funds, or such other security as they may think fit to direct.

39. The Auditor shall receive, at the conclusion of the audit of the Warden's annual account, the sum of 5*l.* 5*s.* for his trouble and pains therein, and each other Governor in attendance, the sum of 2*l.* 2*s.*; the Warden shall be allowed 5*l.* 5*s.* towards the expense of the Audit Dinner to the Governors, and the poor 2*l.* 2*s.* towards the expense of their commons for that day.

Allowances to be made on Audit of Warden's annual Accounts.

40. After the Audit, the Warden shall send without delay an extract of his annual account of receipts and expenditure for the preceding year to the Bishop of Lincoln; and to the Town Clerk and the Clerk of the Municipal Charity Trustees of the said Borough of Stamford, and a copy thereof shall be inserted by the said Warden in one or more of the local newspapers, as the Auditors and Governors present at the Audit shall direct.

Publication of Accounts.

41. This Scheme shall be printed at the expense of the Hospital, and a copy thereof shall be supplied by the Warden to every person who is now or may hereafter be a Member, Governor, or Trustee of the said Hospital, free from charge, and to every other person who shall be willing to pay the sum of one shilling for the same; and all money which shall be received by the Warden for such copies shall be accounted for by him to the Hospital.

Scheme to be printed.

S C H E M E,

1873.

WHEREAS the Governors of Browne's Hospital have offered the sum of 1500*l.* per annum from the surplus revenues of the Hospital towards the establishment of certain Schools in Stamford on the following conditions, that is to say :—

(1) That the Governors of Browne's Hospital have the nomination of three Members of the Governing Body of such Schools.

(2) That religious instruction be given in all such Schools subject to the provisions of Sections 15 and 16 of the Endowed Schools Act, 1869.

Declaration of
consent of
Governing
Body.

1. It is hereby declared, with the consent of the Governors of Browne's Hospital, that it is desirable to apply for the advancement of education an annual sum of 1500*l.* out of the endowment of this Charity.

Educational
endowment.

2. From and after the date of this Scheme the Governors of Browne's Hospital shall pay the said annual sum of 1500*l.* to the Governing Body of the Stamford Endowed Schools, as constituted by a Scheme framed by the Endowed Schools Commissioners, and entitled a "Scheme for the Management of the Stamford Endowed Schools," by equal half-yearly payments, on the 1st day of June and the 1st day of December in each year, the first such

half-yearly payment to be made on the 1st day of December, 1873. And the said annual sum shall be subject to the trusts of the said Scheme.

3. If at any time any doubt or question arises as to the proper construction or application of any of the provisions of this Scheme, the Governors of Browne's Hospital shall apply to the Charity Commissioners for their opinion and advice thereon, which opinion and advice when given shall be binding on the said Governors, and on the Governing Body of the Stamford Endowed Schools.

Construction
of Scheme.

4. The Charity Commissioners may from time to time, in the exercise of their ordinary jurisdiction, frame Schemes for the alteration of any provisions of this Scheme or otherwise for the government or regulation of the trusts of this Charity, provided that such Schemes be not inconsistent with the conditions stated in the preamble to this Scheme, or with the first clause of this Scheme, or with anything contained in the Endowed Schools Act, 1869.

Charity Com-
missioners to
make new
Schemes.

5. The Governors shall cause this Scheme to be printed, and a copy to be given to every person who shall become a Governor of Browne's Hospital or a member of the Governing Body of the Stamford Endowed Schools.

Scheme to be
printed.

6. The date of this Scheme shall be the day on which Her Majesty by Order in Council declares Her approbation of it, or the day immediately after the date of the said Scheme for the management of the Stamford Endowed Schools, whichever shall last happen.

Date of
Scheme.

S C H E M E,

1875.

INSTEAD of the 9th, 11th, 15th, and 17th Clauses in the subsisting Scheme for the management of this Charity, established by an Order of the Court of Chancery dated the 11th day of February, 1854, the following provisions shall take effect, that is to say:—

Clause 9.

1. No person shall be elected Warden or Confrater before he is forty-five years of age, and the person so elected is to be an ordained priest of the Church of England, and of good life and conversation, and free from infirmity, bodily and mental, which might in any way interfere with the due discharge of the functions of his office. The Warden shall not hold with his place and pension in the said Almshouse any other benefice, office, or appointment, ecclesiastical or civil, with or without cure of souls, which would, in the judgment of the Bishop of Lincoln for the time being, interfere with the due performance of his duties as Warden.

Clause 11.

2. The Warden elect shall come into residence in the Almshouse within one calendar month after the date of his election, unless prevented by holding any ecclesiastical cure or office, in which case the period may be extended to any term not exceeding three calendar months, at the discretion of the Governors. The Warden and Confrater shall be admitted in manner

following ; that is to say, immediately after some one of the daily religious services of the Almshouse, not being on Sunday, he shall read the Deed whereby he is appointed Warden or Confrater, and shall make the declaration hereinafter prescribed, in the presence of all the Governors of the said Hospital, or at least in the presence of the said Vicar of All Saints', or in his absence, in the presence of the said Dean of Stamford, or in the absence of both the said Vicar and Dean, in the presence of the said Mayor of Stamford, and also in the presence of all the members of the House, or as many as can attend (none to be excused except from illness or infirmity, or other reasonable cause), and thereupon the Governor or Governors present shall hand to him a copy of the statutes, and bye-laws, and ordinances of the said Almshouse, and shall declare the said Warden or Confrater elect duly admitted ; and in case of the Warden, shall put him in possession of his office, by delivering to him the keys of the Warden's house in the said Hospital, and one of the keys of the outer gate of the said Hospital, of which there shall be two ; and in case of the Confrater by delivering him the other key of the outer gate.

3. The stipend of the present Warden shall be 375*l.* Clause 15.
per annum, and the stipend of any future Confrater shall be 200*l.* per annum, to be paid by four quarterly instalments on the 31st day of March, the 30th day of June, the 30th day of September, and the 31st day of December in each year, and such stipends are to be exclusive of all fees and allowances of every kind, and free and clear of all rates, taxes, and repairs, and to be computed from the date of the Warden's last annual account next

preceding the Decree on further directions in this cause. In case the revenues of the Hospital shall not admit of the stipends to the present Warden and to the Confrater, after paying all necessary outgoings and the present payments and allowances to the poor people, then their stipends are to be made up to the said present Warden and Confrater out of the corpus funds for the time being of the said Hospital.

Clause 17.

4. The Warden, subject to the provisions of these statutes, and the bye-laws and ordinances from time to time to be made, shall have the rule and governance of the said Almshouse and of all the inmates thereof, and the administration of all the goods and chattels of the said Hospital, and of the income arising from the property of the Hospital, under the supervision and direction of the Governors ; and he shall make, upon his admission to his office, a full and true inventory of all the then goods, chattels, and property of the Hospital, and such inventory shall be made in the presence of the said Vicar of All Saints', or, in his absence, of the said Dean of Stamford, and, in the absence of both the said Vicar and Dean, then in the presence of the said Mayor of Stamford ; and the said Warden shall from time to time thereafter enter in and add to such inventory all such other goods and chattels as may from time to time be purchased or acquired for the use of the said House ; and such inventory shall be produced and shown at every annual audit of the accounts of the said Hospital ; and the said Warden shall keep a proper account book, which shall always be open to the inspection of the said Governors, or any of them, in which he shall from day to day make full and faithful entries of all his receipts

and payments for or on account of the said Almshouse and the inmates thereof; and the said Warden shall make up once in every year a true and correctly-stated account of his receipts and expenditure up to the 31st day of December in every year inclusive, and shall, after seven days' notice in writing of the day of audit to the said Governors, render such stated account, with all necessary vouchers, on the second Tuesday in the month of February in every year, to be audited by the said Vicar of All Saints' in the presence of the said Dean and Mayor of Stamford, or one of them; or in the absence of the said Vicar, to be audited by the said Dean in the presence of the said Mayor; and in the absence of the Vicar and Dean, to be audited by the said Mayor: Provided always, that in case any payment to be made by the said Warden shall in his judgment require special attention, the same shall be submitted before payment to the judgment of the said Governors or a majority of them, in the month preceding the said audit, and their opinion taken thereon, which shall be final. The said Warden shall be resident and abiding in the Almshouse continually, and neither the said Warden nor the Confrater shall be absent from the said Almshouse, or cease to perform the several duties hereby required from them respectively for any period exceeding three calendar months in the year, either at once or at several times, without leave asked and obtained of the said Vicar of All Saints', or in his absence of the said Mayor of Stamford; and that such leave shall not be asked for except in case of illness, or some unavoidable necessity: and the said Warden and Confrater shall not be both absent at the same time, unless from unavoidable necessity; provided that if it shall so happen that the said Warden

and Confrater shall both be absent at the same time, then the Governors shall appoint some fit and proper person to perform the duties of the said Warden and Confrater during the time they shall both be absent as aforesaid, and such person so to be appointed shall receive a sum not exceeding three guineas per week, as the said Governors shall direct, for the performance of such duties, to be paid to him by the said Warden and Confrater, in proportion to the amount of their respective stipends. The said Warden, and in his absence the said Confrater, shall have the spiritual charge and superintendence of every member of the said Almshouse. The said Warden, and in his absence the said Confrater, shall, on the 22nd day of September in every year, being the anniversary of the publication of the ancient statutes of the said Hospital, and at such other times and places as the Governors shall direct, read the statutes of the said Almshouse in the Chapel or in the common Hall thereof, immediately after morning service, audibly and distinctly, in the presence of all the members of the said House, or as many of them as can attend. The said Warden, and in his absence the Confrater, shall maintain and keep order and discipline in the said Almshouse, and shall himself faithfully observe and keep all the statutes, bye-laws, and ordinances of the said Almshouse, and shall see and provide and take care that the other members of the said Almshouse do the like, and he shall punish every breach of these statutes, and of the bye-laws and ordinances of the said Almshouse, so far as he may or can by virtue of such statutes, bye-laws, and ordinances, and shall report without delay to the said Governors all offences, disorders, breaches of discipline, and infringement of the statutes, bye-laws, and

ordinances, which shall require their attention. The said Warden, or in his absence the Confrater, shall keep always one of the three keys of the common chest, and the key of the muniment room; and the said Warden and Confrater shall be attendant upon and assisting the said Governors, or any of them, whenever their or his presence is required at the said Almshouse. And the said Warden, or in his absence the Confrater, shall report to each of the said Governors without delay the death of any member of the said Almshouse, and also any particular by which a vacancy occurs in the said Almshouse, and shall give notice of any vacancy to the persons or person whose turn it is to nominate to such vacancy, if such persons or person can be found, and immediately on the receipt of a nomination, shall report the same to the said Governors, and if no objection be made within the prescribed period, shall admit the party nominated so soon as he or she shall apply; and if such vacancy be not filled up within the time prescribed by these statutes, he shall notify the same to the persons or person next in rotation, and so on till the vacancy is supplied. The said Warden, and in his absence the Confrater, shall keep a proper memorandum book or journal, in which he shall from time to time enter all such occurrences as may require to be recorded, with his observations thereon, and particularly the admission and removal, whether by death or otherwise, of the several members of the said Almshouse, and also all breaches and violations of the statutes, bye-laws, and ordinances of the said Almshouse, and of proceedings taken thereon, and also the absence of any member from the prayers and divine services of the said house, and the cause thereof, and also the absence of any one from the Almshouse, and the length

of such absence, and whether extended beyond the time allowed by the statute, and the cause of such lengthened absence, and by whose leave ; and such journal shall be always open to the inspection of the Governors, or any one of them, and shall be produced at each annual audit.

In all other respects the subsisting Scheme of the said 11th day of February, 1854, shall remain in force.

S C H E M E,

1889.

1. THIS Scheme shall be deemed to be supplemental to the Scheme for the management and administration of the estates and revenues and for the government of the Hospital of William Browne, of Stamford, in the county of Lincoln, approved by an Order of the High Court of Chancery, dated 11th February, 1854, as amended or altered by the Scheme for applying for the advancement of education, part of the income of the said Hospital, dated the 26th June, 1873, and by Order of the Charity Commissioners, dated 6th August, 1875.

Scheme to be supplemental to that approved 11th February, 1854, as amended.

2. The management and administration of the estates and revenues of the Charity shall be vested in Governors, the full number of whom shall be nine. In addition to the present Governors, being the Dean of Stamford, the Vicar of All Saints', Stamford, and the Mayor of Stamford for the time being, the Marquis of Exeter for the time being shall be a Governor. And the following shall be non-official Governors :—

A Justice of the Peace for the Borough of Stamford, to be appointed by the Justices of the Borough.

Two members of the Town Council of the said Borough, to be appointed by the Town Council of the said Borough.

Two persons to be appointed by the Governors of the Stamford Endowed Schools.

These appointments shall be made within three months after the confirmation of this Scheme, at meetings of each body, of which seven days' notice in writing shall have been given, specifying that the appointments or appointment is intended to be made at the meeting. Until the appointments shall have all been made, the present Governors shall act in the management and administration of the Charity.

The Corporation of the Charity shall permit the Governors to act.

3. The legal estate being vested in the Warden, Confrater, and Poor of the Hospital, as a corporation under the style of "The Warden, Confrater, and twelve Poor of the Hospital of William Browne, of the Foundation of King James the First," the said Warden, Confrater, and Poor of the Hospital shall permit the Governors to receive and take the annual and other rents, issues, and profits of all and singular the real estates vested in the said Warden, Confrater, and Poor, and from time to time to manage, let, and set the same, and to use, order, and dispose of the goods and personal estate held by them in such manner as the Governors shall (conformably to the terms of their trust, and to the general law applicable to charitable trusts) in their discretion think best. And for the purpose aforesaid the Warden, Confrater, and Poor, shall in their corporate capacity make and execute all such deeds, leases, and other instruments, and do and perform all such acts as the Governors shall require. The Governors shall be at liberty to use the corporate name of the Warden, Confrater, and Poor for the purpose of bringing or defending such actions as the Governors shall think proper, and be authorised to bring or defend ; the Warden, Confrater, and Poor being indemnified out of the estates of the charity against all loss which may be occasioned

thereby. The Common Seal of the Hospital, belonging to the Warden, Confrater, and Poor, shall be affixed to such deeds and documents only as the Governors shall, by resolution duly passed, direct.

4. If any non-official Governor shall accept any office to which an ex-officio Governorship is hereby attached, he shall thereby vacate his non-official Governorship.

How Governors to cease being so.

5. If any non-official Governor of the Charity shall become bankrupt, or compound with his creditors, or become incapacitated to act, or shall not attend any meeting of the Trustees during a consecutive period of one year, or shall communicate in writing to the Governors his wish to resign, or if having been appointed by the said Town Council, he shall cease to be a member of that body; then, and in any such case, the Governors shall immediately thereafter cause a record of the fact to be entered in their books, and upon such record being entered the Governor to whom it applies shall immediately cease to be a Governor. Notice of each vacancy shall forthwith, after the same shall have occurred, be given in writing by the Steward to the body having the power to fill up such vacancy, or to the Clerk of that body.

6. If, and as often as, any non-official Governor shall vacate his Governorship under either of the two last preceding clauses, or shall die, a new Governor shall be forthwith appointed in his place. If the Governor so vacating his office, or dying, shall have been appointed by the Justices of the Peace for the Borough of Stamford, his successor shall be appointed by such Justices; and if he shall have been appointed by the Council of

Filling up of vacancies.

the said Borough, his successor shall be appointed by such Council ; and if he shall have been appointed by the Governors of the Stamford Endowed Schools, his successor shall be appointed by such Governors. The respective appointments shall take place at meetings of each body, of which seven days' notice shall have been given to each Justice or member of the Town Council of the said Borough or Governor of the Stamford Endowed Schools, as the case may be, specifying the vacancy and that it will be filled up at the meeting.

Meetings of
Governors.

7. The Governors shall hold not less than four General Meetings in each year for transacting the business of the Charity, which shall be held in the Hospital or at such convenient place as the Governors shall determine ; and such meetings shall be held on the days following in each year, that is to say, the second Monday in January, April, July, and October, unless the Governors shall appoint some other days and periods for the holding thereof. And notice in writing of every meeting, whether general or special, shall be given by the Steward to each Governor three clear days at the least before the time appointed for holding the same, and such notice may be sent by post.

Quorum at
Meetings of
Governors.

8. At every meeting of the Governors any number not being less than four shall form a quorum, and so soon as at any meeting a sufficient number of Governors shall be present to form a quorum, the Governors shall proceed to elect a Chairman from amongst the Governors present ; and in the event of an equality of votes on the election of Chairman, the question shall be decided between the persons who shall have such equality of votes, by lot, and the acts and

proceedings of a majority of the Governors present at any meeting properly held, shall be binding on the whole body of the Governors ; but the Governors, or the majority of them present at any subsequent meeting, duly held and constituted as aforesaid, shall, if in the notice of the meeting definite information is given of the intention to alter, vary, or rescind any resolution or direction which may have been come to or given at any previous meeting, have power to alter, vary, or rescind accordingly. The Chairman of every meeting shall, in the event of an equality of votes, have, in addition to his original vote, a second or casting vote.

9. If at any meeting there shall not, after the space of half an hour from the time appointed for holding the same, be a sufficient number of Governors in attendance to form a quorum, or if the business of any meeting shall remain undisposed of, the Governors, or any one or more of them present at any such meeting, or if no Governor be present, then the Steward, may adjourn the same until some subsequent day, of the time and place of holding which three clear days' notice at the least, in writing, shall be given in manner hereinbefore provided, to each Governor by the Steward.

Power to
adjourn.

10. If at any time any matter shall arise requiring the consideration of the Governors which cannot be conveniently deferred to the next General Meeting, any two or more of the Governors, or the Steward, may call a Special Meeting of the Governors, and shall give notice in writing to each of the Governors of the time and place and object of such meeting, which notice shall be sent

Power to call
Special Meet-
ings.

by post or left at the usual place of abode of each Governor three clear days at least before such meeting, and no business shall be transacted at such Special Meeting, other than such as shall be specified in such notice.

Power to
appoint Com-
mittees.

11. It shall be lawful for the Governors, at any General or Special Meeting, to nominate and appoint from their own body as there may be occasion, three or more Governors to be a Committee for the purpose of making any enquiry, or superintending any duty which in the judgment of the Governors would be more efficiently executed by such Committee; but the acts and proceedings of such Committee shall be submitted to the Governors at their next General Meeting for approval and confirmation.

Minute and
Account
Books to be
kept.

12. The Governors shall provide Minute-books, wherein shall be entered a Minute of their proceedings at every meeting, which Minute shall be signed by the Chairman of the next succeeding meeting. They shall also provide all necessary Account-books, wherein shall be entered an account of the receipts and payments on behalf of the Charity.

Orders for
money to be
signed.

13. All cheques and orders for the payment of money shall be signed by the Chairman for the time being, at some of the meetings of the Governors, and by two of the other Governors present at such meeting, and shall be countersigned by the Steward.

Banker.

14. The Governors shall appoint as their Banker during pleasure, some fit and responsible person or persons who is or are carrying on the business of Banker, or some Joint-stock Banking Company, with whom shall be deposited the moneys of the Charity.

15. The stipend of every future Confrater shall be 130 $\%$, to be paid in like manner as provided by the said Order of the Charity Commissioners of the 6th of August, 1875.

Stipend of
future Con-
frater.

16. The only Governors who shall be entitled to the fee of 2 £ . 2s. for their attendance on the audit of the Warden's accounts, as provided by Clause 39 of the Scheme of 1854, shall be the Dean of Stamford and the Mayor of Stamford, if they or either of them shall duly attend on such audit. Provided, that in the event of the said Dean of Stamford, or Mayor of Stamford, acting as auditor under Clause 17 of the said Scheme, he shall only be entitled to the fee of 5 £ . 5s. by the said Clause 39 directed to be paid.

Allowances to
be made on
audit of War-
den's accounts.

In all other respects, the subsisting Scheme of the 11th of February, 1854, and the Order of the Charity Commissioners of the 6th day of August, 1875, shall remain in force.

APPENDIX.

I.

FORM OF LETTERS PATENT FOR THE FOUNDATION OF BROWNE'S
HOSPITAL.—*Edw. IV.*

Om'ibz ad quos &c. sal'tem. Sciatis q'd cu' dil'tus et fidelis n'r Will'mus Broune de Staunford in Com' Lincoln'unus mercator' Stapule n're Calisie qua'dam domu' elemosine ad p'petuam rei memoriam nostra licencia mediante fundare intendat, nos piam intenc'onem ip'is Will'mi hac parte com'endantes de gra' n'ra sp'ali ac *ex* certa sciencia et mero motu n'ris co'cessim's et licenciam dedim's et p' p'sentes co'cedim's et licencia' dam's pro nobis et heredibz n'ris p'fato Will'mo q'd ip'e aut executores vel assignati sui seu eor' aliquis qua'dam domu' elemosine de uno Gardiano Capellano et de aliis duobz capellanis secularibz ac undecim viris paup'ibz et una muliere p'petuis apud Staunford sup' Cleymont in Com' p'dict' Divina servicia et alias orac'o'es sing'lis diebz in quada' Capella om'i' s'tor' in Staunford sup' Cleymont p' p'fatu' Will'm et Margaretam uxorem e'i's nup' co'structa pro salubri statu n'ro et p'dil'tissime consortis n're Elizabeth Reginæ Angliæ du' vixim's et pro a'i'abz n'ris cu' ab hac luce migraverim's. Necno' p' bono statu p'dicti Will'mi et p'fate Margarete uxoris e'i's du' vixerint et p' a'i'abz suis cu' ab hac luce migraverint et a'i'abz om'i' fidelium defu'ctor' juxta ordinac'onem p'dicti Will'i aut executor' v'l assignator' suor' p'dictor' seu eor' aliquor' vel alicui's in...e faciend' in p'petuum factur' celebratur' et dep'catur' facere fundare erigere et stabilire possit et possint futuris temporibz duratur.' Et q'd dom's elemosinaria illa cu' sic facta fundat' erect' et stabilit' fuerit dom's elemosine Will'i Browne de Staunford in com' Lincoln'unus mercator' Stapule n're Calisie vocet' et nuncupet' in p'petuum, et q'd Gardian's capellani paup'es et mulier dict' dom's elemosine et eor' successores Gardiani capellani paup'es et mulieres dom's elemosine Will'i Browne de Staunford in com' Lincoln' uni's mercator' Stapule n're *Calisiæ vocent' et* nu'cupent' in p'petuum.

Ac p'fati Gardian's capellani paup'es et mulier p'dictæ dom's elemosine et eor' successores gardiani capellani paup'es et mulieres ei'sdem dom's sint unu' corpus et una co'itas p'petua in re et in no'i'e habeantq : successionem p'petua' ac sint *personæ* habiles et capaces in lege p' nomen et sub no'i'e gardiani capellanor' paup'u' et mulieris p'dict' dom's elemosine Will'i Browne de Staunford in com' Lincoln' uni's mercator' stapule n're Calis'e ad p'quirend' optinend' et recipiend' terras ten' reddit's ac denarior' sum' *quascunq* : in' p'tuu' de quacu'q : p'sona sive quibuscu' q : p'sonis ea eis dare co'cedere v'l assignare volente v'l volentibz habend' et tenend' sibi et successoribz suis p'dict' imp'petuu' ac p'fati gardian's capellani paup'es et mulier dict' dom's elemosine et successor' *eor'* gardiani capellani paup'es et mulieres ejusdem dom's p' nomen Gardiani capellanor' paup'u' et mulieris dom's elemosine p'fati Will'i de Staunford in com' p'dict' placitare possint et implicitari necnon siodas acc'o'es sectas querelas et causas *reales* personales et mixtas cui'scu'q : gen'is fuerint v'l nature coram quibuscu'q : Justiciariis Judicibz sec'laribz v'l sp'ualibz seu aliis p'sonis quibuscu'q : prosequi ac in eisdem respondere et responderi eisdemq : defendere et defendi possint *necnon* o'i'a alia faciend' et recipiend' p'ut et eodem modo quo ceteri legei nostri p'sone habiles et capaces infra regnu' n'r'm pli'tant et impli'tant' respondent et respondere tenent' ac faci'nt et facere poteru't. Et q'd iidem Gardian's *capellani* paup'es et mulier dict' dom's elemosine et eor' successores gardiani capellani paup'es et mulieres ejusdem dom's habeant unu' co'e sigillu' pro negociis et attendis dict' dom's elemosine deservitur' imp'petuu' absq : impet'i'cone *impedimento* v'l p'turbac'one nostri v'l heredu' nostror' Justiciar' Escaetor' Vicecomitu' Coronator' ballivor' seu alior' officiarior' seu ministror' nostror' v'l heredu' n'ror' quoru'cu'q : et absq : aliquibz aliis l'ris n'ris patentibz aut *aliqua* inquisic'one sup' aliquo b'vi de ad quod dampnu' v'l aliquo alio mandato regio in hac p'te quovismodo habend' prosequend' seu capiend' Statuto de terr' et ten' ad manu' mortuam non ponend' aut aliquo alio statuto actu *sive ordinac'one* inde in contrariu' facto edito sive ordinato aut aliqua alia re causa v'l materia quacu'q : non obstante.

In cui' s rei test', &c.

NOTE.—The letters and words in italics give, to the best of my judgment, what was originally in the MS.—H. P. W.

II.

WILLIAM BROWNE'S GRANT TO THO. STOKK, &C.,
ANNO 1488.—3 *Henry VII.*

Sciant præsentēs et futuri quod ego Willielmus Browne de Staunford Mercator Stapulæ Calessiæ dedi concessi et hac presenti carta mea confirmavi Thomæ Stokk Clerico Henrico Wykes Thomæ Hykeham Roberto Grymston et Johanni Taylour Clericis Johanni Coton et Willielmo Hawkins Capellanis David Malpas Armigero Roberto Fitzacreley Johanni Gregory et Thomæ Kesteven de Staunford prædicta maneria mea de Swafield et North Wythom in Comitatu Lincolniensi cum suis pertinentiis; Necnon omnes terras et tenementa mea redditus reversiones et servitia prata pascua et pasturas boscos molendina Curias Letas et Feoda militaria cum omnibus nativis et eorum sequelis tam procreatis et procreandis ac omnibus suis pertinentiis suis in villis et territoriis de Swafield et Couthorp North Wythom South Wythom Twyford Stenby Gunby Colsterworth, Woolesthorpe Wyllethorpe et Bargham cum omnibus meis terris cum pertinentiis suis in Comitatu Lincolniensi prædicto et omnia illa terras et tenementa mea prata pascua et pasturas cum universis pertinentiis suis in Staunford in Comitatu prædicto videlicet unum tenementum meum in parochia Sancti Petri ejusdem villæ modo in tenura Willielmi Buck et unum tenementum meum in parochia supradicta apud Malory Brigge cum pertinentiis suis modo in tenura Helenæ Belamy et unum tenementum in eadem parochia cum una acra et dimidia prati in pratis de Bredecroft modo in tenura Thomæ Peryman et unam shopam in parochia Omnium Sanctorum in eadem villa de Staunford modo in tenura Willielmi Bullok draper et unam shopam ibidem juxta shopam predictam modo in tenura Willielmi Bernard patynner et unum tenementum in eadem parochia modo in tenura Roberti Johnson shomaker ac duo tenementa simul scituata in eadem parochia cum una grangia in Scoftgate cum pertinentiis suis modo in tenura Johannis Sabyn et aliud tenementum in eadem parochia modo in tenura Johannis Beever tailour et unum tenementum in eadem parochia modo in tenura Johannis Sherman apud Malory Brigge et unum tenementum meum in parochia Sancti Michaelis modo in tenura Riccardi Tailour et unum tenementum in parochia Sancti Andrei et una acra prati apud Lez Smale Brigges modo in tenura Johannis Thistlestone et unum tenementum sive hospitium in parochia Sanctæ Mariæ ad pontem villæ Staunford predictæ vocatum le Aungell modo in tenura Johannis Young tailour et unum

tenementum in parochia Sancti Martini infra libertatem abbatis de Burgo Sancti Petri viz. Est-by-the-water modo in tenuta Johannis Barford junioris et unum tenementum in eadem parochia modo in tenuta Johannis Gybson et unum tenementum in eadem parochia modo in tenuta Roberti Dudley sawer ac unum Gardinum in eadem parochia modo in tenuta Roberti Lambe tailour et tres acras prati simul jacentes in le Estmedewe apud Smale Briggis et tres rodas in prato prædicto quæ non possunt dividi cum pertinentiis suis quibuscunque in dicto Comitatu Lincolniensi. Dedi etiam et concessi præfato Thomæ Stokk Henrico Wykes Thomæ Hykeham Roberto Grymstone Johanni Tailour Johanni Coton Willielmo Hawkyns Davidi Malpas Roberto Fitzacreley Johanni Gregory et Thomæ Kesteven sexaginta acras terræ arabilis divisim jacentes in campis de Staunford in Comitatibus Rotelandensi et Lincolniensi et unum aliud Clausum cum pertinentiis suis prout muro lapideo circumclauditumque in Bredcroft in Comitatu Rotelandensi et unum aliud clausum cum uno columbario in eodem cum pertinentiis suis in Bredcroft prædicto ac omnia terras et tenementa mea redditus reversiones et servicia prata pascua et pasturas cum omnibus et singulis pertinentiis suis in North Luffenham Sculthorpe et Stretton in eodem Comitatu Rotelandensi. Dedi insuper et concessi præfatis Thomæ Stokk Henrico Wykes Thomæ Hykeham Roberto Grymston Johanni Tailour Johanni Coton Willielmo Hawkyns Davidi Malpas Roberto Fitzacreley Johanni Gregory et Thomæ Kesteven omnia terras et tenementa mea redditus reversiones servicia prata pascuas et pasturas cum universis pertinentiis suis in Villis et Campis de Estone juxta Staunford Worthorpe Barnake Pillesgate Wallcote et Warmington in Comitatu Northamptoniensi. Habendum et Tenendum omnia prædicta maneria terras tenementa redditus reversiones et servicia prata pascuas pasturas boscos molendina Curias Letas et Feoda militum cum nativis et eorum sequelis tam procreatis quam procreandis cum omnibus et singulis pertinentiis suis ut superdictum est præfatis Thomæ Stokk Henrico Wykes Thomæ Hykeham Roberto Grymstone Johanni Tailour Johanni Coton Willielmo Hawkins David Malpas Roberto Fitzacreley Johanni Gregory et Thomæ Kesteven hæredibus et Assignatis suis in perpetuum de Capitalibus Dominis feodorum illorum per servitia inde debita et de Jure consueta. Sciant insuper quod ego præfatus Willielmus Browne feci ordinavi constitui et in loco meo per præsentis posui dilectum mihi in Christo Henricum Toky meum verum et legitimum Attornatum ad intrandum ac seisinam et possessionem vice et nomine meo capiendum ad de et in omnibus et singulis maneriis supradictis terris pratis tenementis pascuis et pasturis redditibus reversionibus et serviciis cæterisque præmissis cum suis pertinentiis quibuscunque predictis Et

post hujusmodi seisinam et possessionem sic captam et habitam ad plenam et pacificam possessionem et seisinam inde pro me et nomine meo præfatis Thomæ Stokk Henrico Wykes Thomæ Hykeham Roberto Grymstone Johanni Tailour Johanni Cotone Willielmo Hawkins David Malpas Roberto Fitzacreley Johanni Gregory et Thomæ Kesteven vel eorum certis attornatis deliberandam secundum vim formam et effectum hujus cartæ meæ præsentis Ratum et gratum habentes et habituri totum et quicquid prædictus Attornatus meus nomine meo fecerit in premissis. In cujus rei Testimonium huic præsentī Cartæ meæ sigillum meum apposui. His testibus Roberto Hans Aldermanno de Staunford Johanni Sabyn de eadem Johanni Hunt de Witham Johannis Mower de eadem Johanni Aleyn de Swinsted Bartholomæo Holme de Swafield Johanni Haydy de Eston Willielmo Scarburgh de North Luffenham Henrico Okeley de Pillesgate et multis aliis. Data apud Staunford prædictam Quarto die Julii anno Domini millimo cccc octuagesimo octavo et Anno Regni Regis Henrici Septimi tertio.

III.

THE ORIGINAL STATUTES OF THE HOSPITAL.

PREFATIO.

Universis Christianis fidelibus ad quos hoc præsens scriptum pervenerit. Thomas Stokk clericus canonicus Ecclesiæ Cathedralis Eboracorum. Ego præfatus Thomas Stokk virtute et autoritate Literarum Patentium Domini nunc Regis Henrici Septimi per quoddam scriptum meum sigillo meo sigillatum ac etiam nomine meo manu mea subscriptum cujus datum est apud Stamford vicesimo secundo die mensis Decembris Anno Domini 1494 et anno prædicti Domini Regis decimo. Quando quidem domum eleemosinariam apud Stamford de uno Custode Capellano seculari existente ac de uno confratre ejusdem domus scilicet capellano seculari existente juxta ordinacionem meam aut executorum meorum seu eorum aliquorum vel aliquarum habendam in divina in perpetuum celebraturos pro salubri statu Domini Regis necnon Elizabethæ Consortis suæ Reginæ Angliæ Reginaldi Bray Militis Catherinæ uxoris suæ meique dicti Thomæ Stokk Elizabethæ Elmes et Willielmi Elmes dum vixerimus et animabus nostris cum ab hac luce migraverimus necnon specialiter pro animabus omnium fidelium defunctorum

realiter fecerim ordinauerim creauerim et stabiliverim perpetuis temporibus duraturum permansurumque mihi in Christo dilectum Johannem Cotton Secularem Capellanum in primum Custodem dictæ Domus Eleemosinariæ et Dominum Willielmum Hawkins Capellanum etiam secularem existentem in primum confratrem ejusdem domus eleemosinariæ assignaverim constituerim necnon ordinauerim ipsosque Custodem et Confratrem in realem possessionem prædictæ domus eleemosinariæ introduxerim et posuerim et ulterius in hac parte virtute et auctoritate literarum patentium prædictarum per idem scriptum meum certas ordinationes domum illam eleemosinariam concernentes statuerim posuerim et ordinauerim prout in eodem scripto meo in fundacione dictæ domus eleemosinariæ plenius appareat reservando mihi durante vita mea de et super domo eleemosinaria prædicta custode et confratre ejusdem ac eorum successoribus necnon de et super eorum perfectionibus amotionibus observantiis sive possessionibus aut rebus quibuscunque eisdem custodi et confratri sive eorum successoribus collatis sive conservandis potestatem et plenissimam auctoritatem ulterius ordinandi edendi interpretandi et declarandi scilicet alias ordinationes quasunque de novo faciendi necnon ordinationes factas subtrahendi et alterandi secundum bene placitum mei dicti Thomæ Stokk super quo ego præfatus Thomas Stokk cupiens bene inceptum ad debitum finem præducere quædam honesta et rationabilia statuta et ordinationes per prædictum custodem et confratrem et eorum successores ac etiam duodecim pauperes utriusque sexus in præfato scripto meo de fundacione memoratos futuris temporibus observanda que quidem statuta et ordinationes nedum regimini* eorundem Custodis et Confratris et successorum suorum et duodecim pauperum utriusque sexus verum etiam possessionibus et bonis ipsius domus eleemosinariæ jam habitis et in futurum habendis ac divini cultus augmentum vivorumque prosperitatem et animarum defunctorum salutem necessaria et utilia fore dignoscuntur Christi nomine penitus invocato ad firmam et perpetuam memoriam et adeo procedo in hunc modum.

* In the copy from the original a space is left after "regimini," and "Eorundem," with a capital, is placed as if beginning a new sentence. Possibly there was a hole in the parchment when new, and so a vacant space necessarily when the writer came to the hole. It translates very well as it stands.—H. P. W.

STATUTA.

CAPUT I.

Volo statuo et ordino quod omnia statuta et ordinationes in supra-dicto scripto de fundacione domus eleemosinariæ contenta per me in eodem scripto meo edita facta et ordinata nunquam in posterum infringantur sed firmiter teneantur et inviolabiliter in perpetuum observentur. Item volo statuo et ordino quod in quodam capitali Messuagio cum Capella et cæteris edificiis in Stamford super Clay Mount sit pro perpetuo quædam domus eleemosinaria vulgariter nuncupata William Browne his Almehouse sub invocacione gloriosissimæ Virginis Mariæ et Omnium Sanctorum ad laudem et honorem nominis Crucifixi in qua quidem domo eleemosinaria volo statuo et ordino per præsentis quod perpetuis futuris temporibus sint ibi unus Custos et Confrater ac etiam duodecim pauperes utriusque generis vel sexus viz. decem viri et duæ matrones sub rationabili regimine et gubernatione Custodis et Confratris et successorum suorum pro bono statu et animabus prædictorum deprecatorum quos et quas pauperes volo esse solos et solas et non maritatos nec maritatas.

CAPUT II. DE JURAMENTO CUSTODIS.

Et ulterius volo statuo et ordino quod de ceteris quilibet admittendus in Custodem seu Confratrem domus Eleemosinariæ prædictæ in ipsius admissione primaria publicè in capella prædicta domus eleemosinariæ coram me præfato Thoma Stokk dum vixero et post meam mortem coram nepote meo Willielmo Elmes et post nostri amborum decessu coram Decano Stamfordiæ pro tempore existente vel saltem coram Vicario Omnium Sanctorum in foro pro tempore existente et coram pauperibus ejusdem domus pro tempore existentibus tactis per ipsum Sacrosanctis Dei Evangeliiis juret personaliter sub hac forma:

Ego J.C. in Custodem (sive Confratrem) domus eleemosinariæ Willielmi Browne de Stamford admittendus juro quod utilitatem et commodum prædictæ domus juxta posse meum in singulis procurabo et secreta dictæ domus ad damnum et prejudicium ejusdem non revelabo. Item quod omnia statuta et ordinationes dictam domum concernentia secundum planum literalem et grammaticalem intellectum illorum quantum ad me pertinet tenebo et inviolabiliter observabo ac quantum in me fuerit faciam ab aliis teneri et observari quod que nulla alia statuta et ordinationes, interpretationes, imitationes, injunciones, declarationes, aut exposiciones alias præsentibus ordinationibus et statutis vel qualicunque vero intellectui eorundem impugnantes vel repugnantia derogantes vel derogantia contrarias vel

contraria per quemcunque vel quoscunque alium vel alios quam per consensum et voluntatem prædicti fundatoris nostri fiendas vel fienda quomodo libet acceptabo vel ad ea consentiam aut ipsa aliquallyt admittam nec eisdem parebo ullo tempore nec illis vel illorum aliquo ullo modo utar in prædicta domo eleemosinaria vel extra tacitè vel expressè. Item quod non ero detractor susurro vel faciens obloquium aut provocans odium iram discordias invidiam contumelias rixas vel jurgia qualiacunque. Item nec conspirationes confederationes seu pactiones illicitas contra ordinationes et statuta dictæ domus seu præjudiciu vel incommodum alicujus in eadem domo existentis illicitè faciam nec ipse procurabo seu permittam ab aliis fieri quantum in me fuerit quomodo libet in futurum seu facientibus ipsa vel aliquod eorundem prestabo seu dabo consiliu auxiliu vel favorem quodque tranquillitatem pacem utilitatem commodu et honorem dictæ domus eleemosinariæ ac omnium in ea degentium unitatem quantum in me fuerit et ad me pertinuerit viis et modis quibus potero conservabo et ab aliis observari et fieri procurabo. Item quod omnia et singula ordinationes et statuta dictæ domus quatenus me concernunt fideliter observabo alioquin pænas in non parentes in præmissis aut eorum aliquam dictæ domus eleemosinariæ ordinationibus et statutis inflictas et etiam ordinatus sine contradictione quacunque subibo et me humiliter subiturum promitto et fideliter observabo juxta vim formam et effectum ordinationum et statutorum domus eleemosinariæ antedictæ omnia in persona mea fideliter observabo sicut me Deus adjuvet et hæc sancta Dei Evangelia.

CAPUT III. DE JURAMENTO PAUPERUM.

Item volo statuo et ordino quod omnis utriusque sexus pauper posthac admittendus sive admittenda in domum eleemosynariam prædictam in ipsius admissione primaria publicè in capella prædicta coram me præfatum Thoma Stokk dum vixero et post mortem meam coram nepote mea Willielmo Elmes dum vixerit et post decessum utriusque nostri coram Decano de Stamford pro tempore existente ac Custode et Confratre et cæteris pauperibus dictæ domus eleemosinariæ tactis per ipsum vel ipsam sacrosanctis Evangeliiis juret personaliter sub hac forma : A. B. I depose and actually sware by these holy Evangelics which I bodily touch, that, from henceforth I shall not show nor outwardly disclose the secrets and councils of this Almshouse to the hurt and prejudice of the same, and I shall well and truly keep and observe to my power all the laudable ordinances and statutes of the aforesaid Almshouse as much as to me appertaineth. So help me God and all Holy Saints by this Holy Book.

CAPUT IV. DE ELECTIONE GENERALI.

Et ulterius volo statuo et ordino quod cum ac quoties in posterum post mortem meam et post mortem prædicti nepotis mei contingat aliquem vel aliquam eorundem Custodis Confratris et duodecim pauperum Domus Eleemosinariæ prædictæ abire vel à domo prædicta amotum vel amotam fore pro aliqua causa ob quam juxta ordinationes provisiones et constitutiones pro regimine gubernatione et directione domus Eleemosinariæ prædictæ factas seu in posterum per me prædictam Thomam Stoke fiendas seu aliquo alio quocunque modo ab eadem domo amoveri vel ab inde totaliter sponte recedere quod ex tunc et toties Decanus de Stamford pro tempore existens et Vicarius Ecclesiæ Parochialis Omnium Sanctorum in foro Villæ de Stamford pro tempore existens aliam idoneam personam eodem loco hujus modi Custodis Confratris viri seu mulieris sic discedentis amoti vel amotæ seu totaliter recedentis et ejusdem sexus infra quatuordecim dies proximos post decessum amotionem seu recessum illos sequentes nominabunt constituent admittent et in realem possessionem inde ponent et præterea volo et ordino tenore præsentium quod si contingat in posterum quod prædictus Decanus et Vicarius seu eorum successores infra quatuordecim dies postquam aliquis Custos Confrater vir seu mulier domus eleemosinariæ prædictæ decesserit aut sic à domo illa amotus vel repulsus amota vel expulsa fuerit sine ab illa sponte (ut prænominatur) recesserit aliam idoneam personam loco illius sic discedentis amoti seu recedentis et ejusdem sexus minimè nominaverint constituerint admitterint et in realem possessionem posuerint quod tunc et toties hæredes Willielmi Browne prædicti et hæredes eorum infra alios quatuordecim dies ex tunc proximos sequentes idoneam personam eodem loco illius Custodis Confratris viri seu mulieris decedentis amoti vel amotæ seu recedentis et ejusdem sexus nominabunt constituent et in realem possessionem inde ponent illa vice tantum si non tunc Aldermanus et Abbas Monasteriæ de Croyland si non tunc Episcopus Lincolniensis et si non et sic infinitum &c.

CAPUT V. ADMISSIONIS FORMA.

Et insuper ego præfatus Thomas Stokk volo et ordino per præsentis quod quælibet nominatio, constitutio admissio et prefectio ejusdem custodis et confratris domus eleemosinariæ prædictæ fiat et concedatur utrique eorundem Custodis et Confratris per scriptum inde debito modo factum et sigillatum habendum sibi ad terminum vitæ suæ juxta ordinationes statuta et constitutiones inferius specificatas necnon quod quælibet nominatio constitutio admissio præfectio cujuslibet prædic-

torum decem virorum et duarum mulierum pauperum ejusdem in posterum fienda fiat ore tenus tantum habenda sibi ad terminum vitæ cujuslibet pauperum juxta ordinationes statuta et constitutiones in hac parte factas et inferius specificatas.

CAPUT VI. DE CORRECTIONE GENERALI.

Et ulterius volo statuo et ordino per præsentis quod si aliquis dictorum Custodis Confratris et duodecim pauperum vel successorum suorum sit vel fuerit dissipator dilapidator sive consumptor bonorum dictæ domus eleemosinariæ seu in non observatione aliquorum statutorum præmissorum vel sequentium notoriè perjurus aut sit vel fuerit fornicator publicus vel adulter seu incorrigibilis aut tabernam vel tabernas indebitè et consuetudinariè frequentans sive canes vel aves venatres tenens vel nutriens venationes comiter exercens vel intolerabiliter braggosus in concilium dictæ domus eleemosinariæ aut provocans odium iram discordias invidiam contumelias rixas vel jurgia qualiacunque vel super aliquo crimine notabili quod infamiam dictæ domus eleemosinariæ causaret notoriè notatus et super notatis hujusmodi se legitimè non purgaverit aut se purgare non potuit vel notoriè aut alias coram suo ordinario super iisdem aut aliquo eorundem convictus fuerit statim ipso facto à domo eleemosinaria prædicta amoveatur et expellatur et toto commodo suo ex tunc careat in eadem.

CAPUT VII. CONTRA OPERA MANUALIA.

Item volo et ordino per præsentis quod nullus pauper dictæ domus eleemosinariæ post ipsius admissionem in eadem ad aliqua opera servilia manualia sive venalia se prebeat aut quovis modo ea exerceat publicè vel occultè nisi fuerit circa reparationem et emendationem propriorum necessariorum hæc tamen fiat secretè in cameris suis temporibus præsertim congruis per prædictum C. et C. deputandis et assignandis.

CAPUT VIII. QUI ELIGENDI ET QUALES PAUPERES.

Et ulterius volo et ordino per præsentis quod illi ad quos ex mea præsentis ordinatione pertinebit post mortem meam providere de quocunque vel quacunque paupere ad domum eleemosinariam predictam cum locus alicujus pauperis vacaverit nullam personam nisi idoneam admittant sed omni affectione inordinata ac precis et pretii corruptione cessantibus humiles devotos indigentes et unde aliter vivant non habentes ac omnino scientes orationem dominicam, salutationem angelicam, symbolum Apostolorum.

CAPUT IX. DE INFECTIS.

Et ulterius volo et ordino quod de cæteris nullus leprosus nec leprosa admittatur vel imponatur in domum eleemosinariam prædictam et si quis vel aliqua prædictæ domus post tempus admissionis suæ lepra fuerit infectus vel aliqua alia infirmitate suis sociis horribiliter nocua per me præfatum Thomam Stokk dum vixero et post mortem meam per nepotem meum Willielmum Elmes dum vixerit et post utriusque nostri decessum per Decanum de Stamford et Vicarium ecclesiæ parochialis Omnium Sanctorum in foro Villæ Stamfordiæ pro tempore existente amoveri debet ne alios socios suos sanos inficiat vel ad horrorem provocet et alium locum ubi recipi poterit se transferat ac quam diu vixerit distributiones recipiat quotidianas pro alimentis suis sibi per ordinationem præsentem concessas et assignatas et volo quod de numero domus prædictæ durante vita sua computetur.

CAPUT X. DE ABSENTIA.

Insuper volo ordino et statuo quod nec præfatus Custos nec aliquis successorum suorum custodum domus eleemosinariæ prædictæ neque prædictus Confrater domus prædictæ neque aliquis successorum suorum ullo modo in futurum se absentet à domo prædicta per unam mensem continuè vel interpellatè absque licentia mea dum vixero et post mortem meam absque licentia nepotis mei Willielmi Elmes et post amborum decessum non absque licentia Vicarii ecclesiæ parochialis Omnium Sanctorum in foro de Staunford et ex causis honestis et opportunis. Proviso semper quod alter eorundem Custodis et Confratris seu successorum suorum pro tempore existentium sit personaliter residens in prædicta domo eleemosinaria ad bonum regimen in eadem tenendum et conservandum sit nec quod simul se absentent nec quod aliquis dictorum duodecim pauperum prædictæ domus eleemosinariæ ullo modo in posterum se absteineat ab eadem per unum diem integrum sine licentia Custodis ejusdem domus pro tempore existentis si præsens fuerit vel in ejus absentia dicti Confratris pro tempore existentis quem nempe Confratrem in absentia dicti Custodis ejus sub custodem ibidem vel deputatum ejusdem Custodis semper esse volo quodque hujusmodi licentia non concedatur nisi major necessitas exegerit vel aliqua causa rationalis per eundem custodem sive Confratrem approbanda superfuerit.

CAPUT XI. DE OFFICIIS MUTUIS.

Præterea statuo et ordino quod infirmis debilibus et impotentibus pauperibus dictæ domus quotidie per consortes suos sanos et potentes et specialiter per prædictas mulieres ejusdem domus pro tempore existente diligentissimè succurratur et administretur cum omnibus opportunis.

CAPUT XII. DE EXERCITIIS GENERALIBUS.

Ac etiam statuo et ordino per præsentés quod omni die feriali unus dicti Custodis aut Confratrís cessante causa rationabili missam suam celebrabit in prædicta Capella domus eleemosinariæ prædictæ mane hora septima vel prope ad quam quidem missam omnes prædictæ domus pauperes intrasse teneantur et quod alter missam suam celebrabit omni die feriali in ecclesia parochiali Omnium Sanctorum in foro Stamford in Capella Beatæ Mariæ Virginis. Quodque omni die dominico seu festivi uterque dicti custodis et Confratrís Missam suam celebrabit in prædicta ecclesia Omnium Sanctorum in foro Stamford ubi volo et ordino quod tunc sint interdicentes et auxiliantes in choro ejusdem ecclesiæ ad Matutinas Altam Missam et utrasque vespervas nisi causa rationabilis intercurrit. Proviso semper quod si contingat aliquem vel aliquam dictorum duodecim pauperum ita infirmitate seu debilitate prostratum quod ad dictam ecclesiam in diebus festivalibus accedere non poterit volo quod tunc unus eorundem Custodis et Confratrís missam suam in prædicta Capella domus eleemosinariæ prædictæ in hujusmodi diebus festivalibus celebret et dicat ad spiritualem refectionem hujusmodi vexati.

CAPUT XIII. DE EXERCITIIS CUSTODIS ET CONFRATRIS.

Statuo etiam et ordino quod omni die per annum ad horam secundam post meridiem dicti Custos et Confrater dicant ad invicem in dicta Capella domus eleemosinariæ prædictæ pro animabus dicti Willielmi Browne et Dominæ Margaritæ Consortis suæ necnon pro animabus mei dicti Thomas Stokk et Willielmi Elmes cum ab hac vita subtracti fuerimus et pro animabus parentum et benefactorum nostrorum viz. "Placebo" et "dirigo" cum psalmis et collectis consuetis et iis sic completis et dictis dicant ad invicem prædictus Custos et Confrater psalmum "de profundis" cum hac oratione sequente "Inclina Domine aurem tuam ad preces nostras quibus misericordiam tuam supplices deprecamur ut animam famuli tui Willielmi Browne et Margaretæ consortis suæ animas famulorum tuorum mei Thomæ Stokk et Willielmi Elmes cum ab hac vitæ luce migraverimus et animas omnium fidelium defunctorum ab omni vinculo delictorum liberes ut in resurrectionis gloria inter sanctos et electos tuos * respirent per Christum Deum Nostrum Amen. Requiescant in pace Amen." Et quod tunc quilibet pauper dictorum duodecim pauperum dicat pro animabus prædictorum unam Orationem Dominicam cum Salutatione

* A word is left out, possibly "pacifice."

Angelica et symbolo Apostolorum ac etiam quod idem Custos et Confrater et successores sui Custodes et Confratres singulis diebus Mercurii et Iovis celebrent Missas “da requiem,” pro animabus prænominatis in locis et forma prælibatis si non obstat causa rationabilis.

CAPUT XIV. DE EXERCITIIS PAUPERUM.

Et ulterius statuo et ordino quod quilibet dictorum pauperum duodecim et successorum suorum in posterum pro tempore existentium singulis diebus in mane cum surrexerint de suo cubili et secundo in sero cum ad dormitum transierint dicta in capella genuflectendo dicat quinquies Orationem Dominicam et quinquies Salutationem Angelicam ac semel symbolum Apostolorum speciali et mentali recommendatione animarum prædictarum in forma prædicta nisi fortasse aliquis vel aliqua eorundem per infirmitatem vel corporis debilitatem in capella prædicta ingredi non poterit. Qui vel quæ nihilominus in camera sua easdem orationes dicere teneatur modo hoc facere non poterit. Et quod quilibet dictorum pauperum virorum reliquis temporibus quolibet die quando melius et commodius vacare poterit seu viderit faciendum si non ex debilitate vel aliqua alia causa legitima seu rationabili impediatur dicat pro statu et animabus supradictis tria psalteria Gloriosæ Virginis Mariæ et utrasque dictarum pauperum mulierum propter assiduitatem in serviendo suis reliquis consortibus duo psalteria beatæ Mariæ dicere quotidie teneantur ad minus. Item volo quod quotidie tam in mane quam sero prædictis oratione dominica salutatione angelica et symbolo Apostolico in Capella prædicta ut prefertur dictis et finitis unus eorundem pauperum virorum quasi senior eorum apertè dicat in Anglico “God have mercy on the souls of William Browne of Stamford and Dame Margaret his wife (et post mortem meum) on the soul of Mr. Thomas Stokk founder of this Almshouse and their Fathers and Mothers and all Christian souls.” Et quod omnes cæteri pauperes respondeant “Amen.”

CAPUT XV. DE RESIDENTIA.

Insuper volo et ordino quod præfati Custos Confrater et duodecim pauperes et successores sui omnes et singuli teneantur communiter et continuè ad invicem residere infra domum eleemosinariam prædictam et septa ejusdem sicut et alii pauperes hujusmodi incontinib^s * domibus eleemosinariis vel hospitalibus communiter resident seu tenentur residere. Et quod quilibet dictorum decem pauperum virorum habeat in

* This contraction I cannot write at length.

dicta domo Eleemosinaria ad arbitrium dicti Custodis seu in ejus absentia Confratris unam cameram sibi separatam inibi permanere et solum modo pernoctare et dictæ duæ mulieres unam habeant cameram eis communem inibi permanere et simul pernoctare.

CAPUT XVI. DE SIGILLO ET COMMUNI CISTA.

Et ulterius volo ordino et statuo quod prædictus Custos et Confrater et successores sui sigillum habeant commune ac cistam communem pro iis et pro dictis duodecim pauperibus in qua cista ponantur et custodiantur dictum sigillum commune necnon cartæ literæ privilegia scripturæ et thesauri dictæ domus eleemosinariæ que cista ponatur et custodiatur in loco secreto et tuto infra septa dictæ domus et ad ipsam cistam sint semper tres claves diversas habentes securas quarum clavium una penes me Thomam Stokk dum vixero et post mortem meam penes vicarium præfatæ ecclesiæ Omnium Sanctorum pro tempore existentem in custodia remanebit aliaque clavis earundem trium penes custodem dictæ domus pro tempore existentem tertiam vero clavem earundem unus de decem viris pauperibus qui discretione et moribus melior notus pro tempore existens in custodiam habebit. Ita quod nullus eorum omnes dictas tres claves aut duas earum simul tenere presumat nec cum sigillo communi prædicto aliquid sigilletur nisi de licentia omnium custodum clavium prædictarum pro tempore existentium.

CAPUT XVII. DE INVENTORIO.

Item statuo et ordino per præsentés quod Custos domus prædictæ pro tempore existens gubernationem et regimen domus et Confratris et pauperum prædictorum pro tempore existentium necnon administrationem omnium reddituum et bonorum domus prædictæ habeat in perpetuum. Et quod statim post cujuscunque custodis ibidem futuri admissionem sive præfectionem in domo prædicta successivis temporibus antequam idem custos aliquam administrationem in eadem attingat seu fecerit faciat plenum et fidele inventorium omnium bonorum ejusdem domus inibi tempore præfectionis sive admissionis suæ repertorum in præsentia mea dum vixero vel deputati mei in hac parte. Et post meam mortem in præsentia nepotis mei Willielmi Elmes vel ejus in hac parte deputati et post nostrorum amborum decessum in præsentia dicti Vicarii Omnium Sanctorum in foro pro tempore existentis vel deputati sui in hac parte per Dictum Custodem requisiti ac duorum pauperum virorum magis discretorum.

CAPUT XVIII. DE COMPUTO.

Volo etiam ordino et statuo quod Custos quicumque domus prædictæ pro tempore existens singulis annis infra unam mensem proximum post festum Sancti Michaelis Archangeli fidelem computum totius administrationis suæ de et in redditibus et bonis dictæ domus eleemosinariæ coram me præfato Thoma Stokk dum vixero vel meo certo deputato et post meam mortem coram prædicto Willielmo Elmes nepote meo vel ejus certo deputato ac semper coram Vicario Omnium Sanctorum in foro Stamford pro tempore existente seu coram ejus certo deputato ac etiam coram Confratre prædictæ domus necnon coram duobus discretioribus viris pauperibus ejusdem domus reddere teneatur quem quidem vicarium præcipuum supervisorem cujuslibet computi ordino et assigno ac ipsum vicarium pro tempore existentem pro labore suo in præmissis habendo modo diligens fuerit in augmentationem suæ sustentationis ut animas prædicti W. Browne et dominæ Margaretæ consortis suæ necnon animas mei Thomæ Stokk et nepotis mei Willielmi Elmes cum ab hac luce migraverimus et animas parentum et benefactorum nostrorum et omnium fidelium defunctorum specialiter habeat Deo recommendatas quinque minas legalis monetæ Angliæ de Auctario redditum dictæ domus ultra onera ejusdem domus si hujusmodi auctarium ad hoc se extendere voluerit sin autem minus prout idem auctarium attigerit ad redditionem cujuslibet hujusmodi computi per manus dicti custodis existentis annuatim precipere et habere statuo ordino et assigno per præsentem et si præfatus vicarius pro tempore existens in præmissis (quod absit) negligens fuerit et in expletionem premissorum se diligentem non prebuerit tunc volo quod pensa sua prædicta quinque minarum sibi omnino subtrahatur per præfatum Custodem pro tempore existentem illa vice ut medietas ipsius pensionis decano de Stamford pro tempore existenti detur ut et ipse onus subeat et vice præfati Vicarii exequatur fideliter cum effectu, altera vero medietas prædictæ pensionis in usus necessarios prædictæ domus eleemosinariæ reservetur et sic annuatim toties quoties prædictus Vicarius remissius egerit dictoque computo annuatim facto et finito volo quod tunc idem Custos pro tempore existens in præsentia custodum clavium prædictarum existentium tam librum hujusmodi computi sui pro illo anno quam omnes pecunias superfluentes de redditibus dictæ domus ultra onera ejus et ultra pensionem ut supra prefertur assignatam ad certitudinem ibidem tunc preventium et memoriam futurorum in communi cista prædicta ponere et includere teneatur ibidem salvo custodiendum ut de hujusmodi denariis sic superfluentibus

necessarias reparationes dictæ domus cum accesserint et alia onera ordinaria ejusdem incumbentia et contingentia melius fieri poterint et supportari.

CAPUT XIX. DE NON RETINENDO ALIO BENEFICIO.

Item statuo et ordino quod non liceat præfato custodi pro tempore existenti neque dicto confratri ibidem pro tempore existenti suum officium seu servicium in domo præfata cum aliquo beneficio dignitate vel officio ecclesiastico permutare vel aliquod alium beneficium vel officium ecclesiasticum aut firmam vel aliam promotionem quamcunque unde commodè vivere poterit cum eodem officio seu servitio in domo eleemosinaria prædicta obtinere vel habere sed quod statim postquam dictus Custos vel dictus Confrater ibidem aliquid alium beneficium seu officium ecclesiasticum cum cura vel sine cura aut firmam vel aliam promotionem quamcunque unde commodè vivere poterit pacificè assecutus fuerit illum officium custodis et servitium Confratris in domo eleemosinaria prædicta re nomine et verbo dimittere teneatur et ab inde penitus amoveatur absque difficultate seu contradictione quacunque. Et quod tunc immediatè alius novus Custos seu alius Confrater in domo eleemosinaria prædicta loco illius sic amoti seu recedentis secundum formam per me sæpius ordinatam subrogetur et preficiatur et omnino toties quoties casus hujusmodi accederit.

CAPUT XX. DE VALORE VICTUS ALIENI.

Item volo et ordino per præsentés quod in casu et quoties aliquis vel aliqua duodecim pauperum dictorum domus eleemosinariæ ad victum quatuor minarum per annum de claro contigit jure hereditario seu aliter quocunque modo ad tantum annuum victum ultra reprisas augmentari quod tunc et toties eo facto pauper ille vel illa sic attingens seu augmentatus vel augmentata à domo eleemosinaria prædicta penitus amoveatur alterque pauper loco suo ad eandem domum eleemosinariam statim provideatur et in eadem juxta formam prædictam imponatur. Item volo et ordino quod si aliquis vel aliqua pauperum prædictorum post ejus admissionem in domum prædictam ad aliquem victum ultra summam viginti solidorum de claro et infra summam quatuor minarum in redditibus et procedentibus spiritualibus aut temporalibus seu quocunque alio modo augmentetur quod ex tunc una medietas veri valoris hujusmodi victus ad quem sic augmentatur absque dolo vel fraude aliquali singulis annis in dicta communi cista domus eleemosinariæ prædictæ ponatur ibi remansura ut in usum domus eleemosinariæ cum necesse fuerit convertatur et quod pauper ille sic augmentatus seu

augmentata aliam inde medietatem una cum portione pauperis ejusdem domus inferius assignata obtineat seu habeat alioquin illi quis vel quæ præsentem ordinationem non servaverit statim à domo eleemosinaria illa prædicta et à toto commodo ejusdem amoveatur aliusque pauper loco ejus ad eandem domum eleemosinariam forma ut super provideatur.

CAPUT XXI. DE MULIERUM OFFICIO.

Et ulterius volo et ordino quod mulieres domus eleemosinariæ prædictæ pro tempore existentes matres-familiæ ejusdem domus sint et se habeant ut in lotionibus et aliis honestis mulieribus convenientibus ac viris pauperibus prædictis infirmitatibus suis omnino sint intendentes ac ministrantes prout decet.

CAPUT XXII. QUIS CORRIGAT DEFECTUS.

Insuper volo et ordino per præsentis quod defectus tam dicti Custodis quam dicti sui Confratris dictæ domus eleemosinariæ pro tempore existentium per me præfato Thoma Stokk dum vixero et post meam mortem per prædictum nepotem meum Willielmum Elmes dum vixerit et post nostrorum amborum decessum per dictum Decanum villæ de Stamford et Vicarium ecclesiæ Omnium Sanctorum in foro prædictæ villæ pro tempore existentes refoventur corrigantur sive puniantur scilicet tam per subtractionem pensionis eorundem Custodis et Confratris per septimanam vel magis seu minus juxta sui criminis qualitatem vel quantitatem per discretionem corrigentium prædictorum quam per privationem et amotionem eorundem Custodis et Confratris vel alterius eorum ab officio et servitio pensione interesse et loco quod habuerit in eadem domo si unus eorum vel alterius pertinacia id exponat.

CAPUT XXIII. DE INFIRMITATE CUSTODIS ET CONFRATRIS.

Et ulterius volo et ordino quod si dictus Custos seu dictus Confrater domus eleemosinariæ prædictæ pro tempore existentes ex sua propria negligentia vel ex malo regimine in infirmitatem aliquam diutinam prorumpere seu devenire contingat ita quod missæ et alia divina servitia per eundem custodem seu dictum Confratrem (saltem ulla infirmitate durante) celebrari non poterint quod tunc alius capellanus idoneus et honestus (?) expensis præfati custodis seu dicti Confratris sic infirmitate dejecti de portione sibi in domo eleemosinaria prædicta contingente ad celebrandas missas et alia divina officia quæ eidem Custodi seu dicto suo Confratri dictæ domus eleemosinariæ competunt et competere debent quam diu hujusmodi infirmitas in eo

primum serit* vel inveniatur quodque si et quam cito dictus custos seu dictus suus Confrater prædictæ domus eleemosinariæ ab hujusmodi infirmitate convaluerit et tunc ab hujusmodi exhibitione illius capellani cesset ipseque prius infirmus et ad sanitatem restitutus missas celebret curamque et onus sibi alias impositum subeat et perficiat prout debet.

CAPUT XXIV. DE STIPENDIIS SINGULORUM.

Item volo statuo et ordino quod prædictus Custos Domus Eleemosinariæ prædictæ pro suo salario stipendio seu pensione decem minas legalis monetæ Angli per manus suas proprias solvendas dictusque Confrater ejusdem domus pro tempore existens pro suo labore seu pensione per manus dicti custodis pro tempore existentis octo minas legalis monetæ Angliæ de redditibus dictæ domus eleemosinariæ ad quatuor anni terminos usuales viz^t. ad festa Sancti Michaelis Archangeli Natalis Domini Paschæ et Nativitatis Sancti Johannis Baptistæ equis portionibus annualim habeat et recipiat. Quilibet etiam et quælibet dictorum pauperum duodecim utriusque sexus de redditibus dictæ domus eleemosinariæ per manus dicti custodis pro tempore existentis qualibet septimana denarios septem legalis monetæ Angliæ ad usum victum perpetuis futuris temporibus præcipere volo et habere per præsentem ad finem cujuslibet septimanæ solvendo absque dilatione ulteriori.

CAPUT XXV. DE CISTA PRO VESTIMENTIS.

Volo insuper et statuo quod dictus Custos Confrater et pauperes habeant in domo prædicta eleemosinaria unam aliam cistam pro calicibus vestimentis ornamentis et aliis utensilibus dictæ domus eleemosinariæ custodiendis sub duabus clavibus et duabus securis servandis quarum clavium unam penes dictum custodem seu confratrem pro tempore existentem et alteram penes unum de pauperibus prædictis magis discretum per eosdem pauperes eligendum semper remanere volo per præsentem.

CAPUT XXVI. DE MEDIETATE BONORUM.

Item volo et ordino quod quilibet prædictorum Custodis et Confratris et duodecim pro tempore existentium in suo decessu per mortem dimittat unam medietatem omnium bonorum suorum pro merito animæ suæ domus eleemosinariæ prædictæ ad reparationem et sup-

* Is it possible that the transcriber, in a careless moment, was led to write "primum serit" instead of "permanserit"?

portacionem ejusdem domus et aliorum onerum eadem incumbentium quamque medietatem secundum verum valorem ejusdem volo semper in dicta cista sub tribus clavibus et securis diversis ferratis custodiri donec opus occupationibus inde circa necessaria onera dictæ domus eleemosinariæ pervenerit.

CAPUT XXVII. DE PANE, CERA, &C.

Volo etiam et ordino quod tam præfatus Custos quam dictus Confrater domus eleemosinariæ prædictæ pro tempore existentes panem vinum et ceram pro lumine de proprio suo stipendio ordinabit et exhibebit pro divinis servitiis per eos tam in prædicta ecclesia parochiali quam in capella sua prædicta celebrandis et exequendis.

CAPUT XXVIII. DE JANUIS CLAUDENDIS.

Insuper statuo et ordino per præsentem quod omni nocte à primo die mensis Maii usque ad primum diem mensis Septembri hora 8^o vel cito post et omni alio tempore ad horam 7^{am} principalis porta prædictæ domus eleemosinariæ ac etiam omnes aliæ portæ exteriores ejusdem domus claudantur et firmiter teneantur et sic clausæ et ferratæ permaneant usque ad approximationem diei sequentis quarum portarum claves in custodia custodis præfati domus pro tempore existentis cum præsens fuerit et in ejus absentia in custodia Confratris singulis noctibus remaneant et existant. .

CAPUT XXIX. DE ABSENTIA.

Uterius ad (?) statuo et ordino quod nec Custos nec Confrater nec aliquis nec aliqua dictorum duodecim pauperum præfatæ domus eleemosinariæ existat seu remaneat aliqua nocte in villa prædicta Stamford vel alibi infra miliare à dicta domu eleemosinaria sine licentia mei præfati T. Stokk dum vixero petita et obtenta ac post mortem meam non absque licentia Willielmi Elmes nepotis mei dum vixerit petita et obtenta et post nostrorum amborum decessum non absque licentia custodis pro tempore existentis et nec ipse Custos absque licentia prædicti Vicarii ecclesiæ parochialis Omnium Sanctorum in foro pro tempore existentis petita et obtenta et si aliquis vel aliqua contra egerit pro prima nocte per septimanam pro secunda per quindenam et pro tertia per mensem à pensione dictæ domus eleemosinariæ sit privatus et si ulterius in continuali delicto culpabilis reperiatur ab dicta domo eleemosinaria in perpetuum excludatur quod inviolabiliter pro perpetuo observari per præsentem discerno.

CAPUT XXX. DE EXCAMBIO AGRORUM.

Item statuo et ordino quod non liceat præfato Custodi et Confratri nec eorum successoribus terras tenementa prata pascua pasturam bonos molendina cum universis et singulis suis pertinentibus jam habitis vel in futurum habendis seu aliquam parcellam eorundem quovis modo remittere relaxare in excambium dare permutare convertere nisi fuerit per viam excambii quodque cederet in grande commodum dictæ domus et tunc nunquam absque licentia et consensu mei præfati Thomæ Stokk dum vixero et post meam mortem absque licentia et consensu præfati Willielmi Elmes nepotis mei et post amborum nostrorum decessum absque licentia et assensu prædictorum Decani et Vicarii pro tempore existentium et iidem Custos vel Confrater domus eleemosinariæ prædictæ vel successores sui ibidem pro tempore existentes si eorum aliquis contra vim formam et effectum istius ejusdem statuti penultimi fecerint volo quod tunc illum factum pro nullo habeatur et quod tunc mediate eo facto prædictus Custos et Confrater hoc idem statutum sic infringens à domo eleemosinaria prædicta et toto commodo ipsius in eadem penitus sit amotus et in loco ipsius alius Custos vel Confrater ad domum eleemosinariam præficiatur modo et forma quibus superdictum est.

CAPUT XXXI. DE LEGENDIS STATUTIS.

Volo etiam et ordino quod quater in anno viz^t. in cras Purificationis Beatæ Virginis in cras Ascensionis Domini in cras Assumptionis Beatæ Mariæ et in cras Sancti Michaelis Archangeli in Capella prædictæ domus eleemosinariæ in præsentia custodis et confratris necnon omnium pauperum ejusdem domus eleemosinariæ omnes ordinationes et singula statuta dictæ domus eleemosinariæ publicè et distinctè legantur ac etiam in vulgari pauperibus per custodem seu confratrem recitentur et declarentur. Quodque nullus seu nulla prædictæ domus eleemosinariæ à lectura et recitatione hujusmodi cessante impedimento legitimè se absentet sub pœna perditionis tracconis pensionis suæ per quindenam.

IV.

AGREEMENT MADE BY JOHN (RUSSELL) BISHOP OF LINCOLN
BETWEEN THE ABBOT OF CROYLAND AND THE PRIORESS OF
ST. MICHAEL'S, LITTLE WIRTHORPE, FOR PAYMENT OF IN-
DEMNITY.

Letters of John (Russell) Bishop of Lincoln, dated 5th February, 1488, wherein it appears that a grave question had arisen between Thomas Madew, Rector of the Parish Church of St. Michael's, in the town of Stamford (which Church is under patronage of the Abbot and Convent of Croyland, of the Order of St. Benedict, in the Diocese of Lincoln) by whom it was affirmed, that the Hospital or Eleemosynary House in the place commonly called Claymont, in Stamford, was situated within the parish of the said Parish Church ; and Sir Henry Wykes, Vicar of the perpetual Vicarage of the Parish Church of All Saints, in the said Town (which Vicarage is under the patronage of the Prioress and Nuns of the Convent of St. Michael, in the Town of Stamford aforesaid) by whom it was asserted, that the said Hospital was and is situated within the Parish of the said Church of All Saints. Of and regarding the right of receiving and admitting to Masses, Vespers, Matins, &c., persons of both sexes inhabiting the said Hospital or Elymosynary House, and the precincts of the said Hospital. Also to Sacraments and to the interments of bodies of those dying in the Hospital, either in the Church or in the Cemetery. Also with regard to oblations, tenths, and mortuary gifts, to be gathered in the said Hospital or the precincts. And since a worthy man, William Browne, merchant of the Staple of Calais, has not only built and erected the aforesaid Hospital at his own cost and expense, but has likewise given and conceded an annual rent of six shillings and eightpence arising from a tenement or Hospice called "le Anngel super le hoope," in the town of Stamford, to be received at two terms of the year, viz. at the feast of St. Michael the Archangel, and at Easter, by equal portions. Namely, to the Rector of the said Parish Church of St. Michael for the time being, 5 shillings for his indemnity, and to the said Church 20*d*. sterling for the repair of the said Church, and to the guardians of the goods of the said Church for the time being. Therefore the said parties, being desirous of ceasing the contentions which had arisen between them, have by the advice of counsellors and friends, mediators upon both sides, and especially of that discreet man William Browne, merchant aforesaid, and in such manner that the authority and decree of the aforesaid Bishop might intervene, finally and amicably agreed

between themselves, after the manner following, viz. that the said Sir Henry Wykes, perpetual modern (*modernus*) Vicar of the said Vicarage Church of All Saints, and his successors therein, shall receive and admit annually to masses, vespers, matins, and other divine offices, in the said Church, whomsoever will of the said Hospital and the precincts thereof, and shall administer sacraments to the same, and shall admit the dead bodies of those dying in the said Hospital and its precincts to ecclesiastical sepulture And he shall receive and collect all oblations and other rights and emoluments proceeding from the said inhabitants, both before and after death, and also all tenths and oblations, and “mortuaria” in and out of the said Hospital. And the said inhabitants shall attend the said Church and hear sermons there, and receive sacraments, &c. (in manner aforesaid), And the said Master Thomas Madew, modern Rector of the aforesaid Church of St. Michael, and his successors, shall receive and hold the said sum of 5*s.* for his own and the said Church’s indemnity, and the Guardians or Custodians of the goods of the said Church shall receive 20*d.* for the repair of the said Church as aforesaid, of and from the rents of the said Tenement aforesaid. Likewise the said Rector for the time being shall pray for the souls of the said William Browne and his wife whilst living, and after their decease. Which said parties the Abbott and Convent of Croyland and the Prioress and Convent of St. Michael in Stamford by their several proctors, viz. on the part of the said Thomas Madew, that discreet man Peter Walsale and the said Sir Henry Wykes, Vicar in his own proper person ; also on the part of the Abbott and Convent, Master Nicholas Collys, Procurator General of the Court of Canterbury, and of that of the aforesaid Prioress and Convent, Master Thomas Browne, Procurator of the said Court appeared before the aforesaid John (Russell) Bishop of Lincoln, and exhibited the necessary papers, viz. the notarial certificates of the appointment of the said Proctors (copies of which are given in the document) wherefore the said John (Russell), Bishop of Lincoln, at the supplication of the said parties, admitted, authorized, and confirmed the proceedings in the above-named arbitration. Dated at near the Old Temple, London, the 5th of February, 1488 in the VIIth Indiction, fifth year of the Pontificate of Pope Innocent VIII. Witnesses the Venerable Master Thomas Hulton, Doctor of Decrees, John Walle and Christopher Grantham.

NOTE.—At the foot is the certificate of William Spenser, Clerk, Public Notary for the Diocese of Lincoln, of the en sealing of the present writing. Only one of two seals remains, bearing the impression of the letter S.

V.

CHARTER OF RICHARD III.*

RICARDUS, dei gracia, Rex Angliæ et Francie et Dominus Hibernie, Omnib'z aũ quos p^{re}sentes l're p^{re}ven'int, salutem. SCIATIS q'd, cum dil'cus et fidelis noster, Will's Broun de Staumford, in com' Lincoln', unus m'cator' stapule n're Cales' quandam Capellam ac div'sa alia domos et edificia, infra d'c'am villam de Staumford, p^{ro} quadam Domo elemosinaria ibidem fiend', ad grandes suos custus et expens', novit' construi et edificari fecit; ac quandam Domu' elemosinar' p^{er}petuam ibidem, tam p^{ro} div'sis Capellanis divina in eadem Capella celebratur', q'm p^{ro} div'sis paup'ib'z utriusq^{ue} sexus ibidem sustentand' et relevand', n'ra licencia mediante fac'e, fundare et stabilire p^{ro}ponit: Nos piam intenc'o'em ip'us Willi' in hac parte m'ito com'endant', de gra' n'ra dedim'. ad com' cedim'. et licenciam sp'ali, ac ex c'ta sciencia et mero motu n'ris, concessim'. et licenciam dam'. p^{ro} nob' et hered' n'ris, per p^{re}sentes, q'd idem Wills', aut execut' sui, seu eor' aliqui vel aliquis, quandam *Domu' elemosinar'* apud Staumford p'd'ct', *de uno Custode*, Capellano seculari, ac *de uno Confratre* ejusdem Domus, similiter Capellano seculari, existen', juxta ordinac'o'em ip'ius Willi', aut execut' suor', seu eor' aliquor' vel alicujus in hac parte fiend', *divina celebratur' et depr'ecatur p^{ro} salubri statu n'ro, et p^{re}dilectissime consortis n're Anne Regine Anglie*, dum vix'mus, et p^{ro} a'ia'b'z n'ris cum ab luce migrav'im'. nec non p^{ro} *bono statu p^{ro}d'c'i Willi', et Margarete ux'is ejus*, dum vix'int, ac p^{ro} a'ia'b'z suis cum ab hac luce migrav'int, et a'ia'b'z o'i'm fidelium defunctor', face', fundare, erige', creare et stabilire possit et possint, p^{er}petuis futuris temporib'z duratur'. Et volum'. q'd postq'm dict' Domus elemosinar' sic fact', fundat', erect', creat' et stabilit' fu'it, *Domus Elemosinar' Willi' Broun, in Staumford', in com' Lincoln'* imp^{er}p'm nuncupet': iidemq. Custos et Confrat', et successores sui, *Custodes et Confr'es Domus elemosinar' Willi' Broun, de Staumford', in com' Lincoln'* imp^{er}p'm nu'cupent': ac sint unu' corpus, et una co'itas p^{er}petua corporata, h'eantq^{ue} successionem p^{er}petuam, et co'e sigillu' p^{ro} negociis ejusdem Domus deservitur', ac sint p^{er}sone habiles et capaces in lege ad p^{er}quirend' et recipiend', sibi et successorib'z suis terr', ten', reddit' et alia possessiones et hereditamenta quecumq. de quibuscumq. p^{er}sonis ea eis dare, concedere, legare, seu assignare volentib'z; H'end' sibi et successorib'z suis imp^{er}p'm: Et qu'd iidem Custodes et Confr'es, et suc-

* Rot. Parl. et Rot. Pat. ii. Ric. iii.—Harl. MSS. No. 433, fol. 93.

cessores sui p^{er} idem nomen pli'tare possint et impli'tari, ac respondere et responderi, nec non om'imod' accio'es, sectas querelas et causas, reales, p^{er}sonales et mixtas cujuscumq. gen'is fu'int vel nature, coram quibuscumq^{ue} Justic' sive Judicib'z, temporalib'z vel sp'ualib'z, seu aliis p^{er}sonis quibuscumq^{ue}, p^{ro}sequi, et in eisdem respondere et responderi possint nec non om'ia alia fac'e et recip'e p'ut cet'i ligei n'ri et hered' n'ror' faciunt, seu fac'e possint aut pot'unt in futur'. ET ult'ius, de ub'ori gracia n'ra, ac p^{ro} p^{er}petua continuac'o'e Domus elemosinar' p^{ro}dict', necnon p^{ro} relevac'o'e et sustentac'o'e tam dict' Custodis et Conf'ris et successor' suor', q'm div'sor' paup^{er}u' utriusq. sexus ibidem, si'lit', juxta ordinac'o'em ip'ius Willi', aut execut' suor', seu eor' aliquor' vel alicujus inveniend' et sustentand', ibidem, si'lit', in forma p^{ro}d'c'a dep^{re}catur' ac p^{ro} aliis on'ib'z et op'ib'z caritativis, juxta ordinac'o'em ip'ius Willi' aut executor' suor' seu eor' aliquor' aut alicujus, sup'portand', volum^{us}. et concedim^{us}. ac licenciam dam^{us}. p^{ro} nob' et hered' n'ris p^{er} p^{re}sentes, q'd idem Will's, aut execut' sui, seu alie p^{er}sone quecumq. aut eor' aliqui vel aliquis postq'm Domus elemosinar' p^{ro}dict' sic fact' fundat', creat', erect' et stabilit' fu'it, terr, ten', reddit' et alia possessiones et hereditamenta quecu'q. ad annum valorem quinquaginta marcar' ultra repris', que de nob' immediate non tenent^{ur}. dare, concedere, alienare, legare, seu assignare possit aut possint, p^{re}fatis Custodi et Conf'ri et successorib'z suis; H'end' eis et successorib'z suis imp^{er}p'm; et eisdem Custodi et Conf'ri et successorib'z suis q'd ip'i terr', ten', reddit', possessiones et hereditamenta illa de p^{re}fato Willo', aut execut' suis, aut aliis p^{er}sonis quibuscumq. recip'e possint; H'end' eis et successorib'z suis imp^{er}p'm, tenore p^{re}senciu' si'lit' licenciam dedim^{us}. sp'alem. DUM t'n p^{er} inquisic'o'es inde capt', et in cancellar' n'ram vel hered' n'ror' rite retornat', comp^{er}t' sit, q'd id fieri possit absq. dampno vel p^{re}judicio n'ri, vel hered' n'ror', aut alior', quor'cumq. absq. impetitione, impedimento, seu p^{er}turbac'o'e n'ri, vel hered' n'ror', Justic', Escaet', Vicecomitu', Coronator', Ballivor', seu alior' Officiar' seu Ministror' n'ror', vel hered' n'ror' quor'cumq^{ue}: Statuto de terris et ten' ad manu' mortuam non ponend' edit', aut aliquo alio Statuto, actu, sive ordinac'o'e, in contri'u' fact', edit', sive ordinat', aut aliqua alia re, causa vel mat'ia, quacu'q^{ue}, non obstant'. IN cujus rei testimoniu' has l'ras n'ras fieri fecimus patentes. TESTE me ip'o apud Westmonasterium, vicesimo septimo die Januarii, anno regni n'ri s'c'do.

JAMYS.

P^{er} bre' de privato sigillo, et de data p^{ro}d'c'a *auctoritate parlamenti* et p^{ro} ducentis marcis solut' in Hanap^{er}io.

Irro'.

VI.

CHARTER OF HENRY VII.*

HENRICUS, dei gracia, Rex Anglie et Francie, et Dominus Hib'nie, Omnibus ad quos presentes littere pervenerint, salutem. SCIATIS q'd, cum dilectus et fidelis noster Willmus Browne, de Staunford, in comitatu Lincoln, unus Stapule nostre Cales', quendam Capellam, ac diversa alia domos et edificia, infra dictam villam de Staunford, pro quadam Domo elemosinaria ibidem fiend', ad grandes suos custus et expensas noviter construi et edificari fecerit; ac quendam Domum elemosinariam perpetuam ibidem, tam pro div'sis Capellanis divina in eadem Capella celebratur', q'm pro div'sis pauperib'z utriusq^{ue} sexus ibidem sustentand' et relevand', nostra licencia mediante, facere, fundare et stabilire, proposuerit: Et priusq'm Domum elemosinariam illam, nostra mediante licencia, fundare et stabilire potuit, predictus Will'm's Browne, morte preveniente, ab hac luce subtractus fuit: NICHILOMINUS nos, piam intenc'o'em ip'ius Will'mi in hac parte merito commendant', de gracia nostra speciali, ac ex certa sciencia et et mero motu nostris concessimus et licenciam dedimus ac concedim'. et licenciam damus, pro nobis et heredibus nostris, per presentes, Thome Stokke, clerico, fratri domine Margarete Browne, relicte dicti Will'mi Browne, et executricis testamenti ejusdem Will'mi, q'd idem Thomas, aut executores sui, seu eor' aliqui vel aliquis, quendam *Domum elemosinariam*, apud Staunford predictam, *de uno Custode*, Capellano seculari existen', juxta ordinacionem ipsius Thome, aut executor' suor' seu eor' aliquor' vel alicujus, in hac parte fiend', *divina celebratur'*, et *deprecatur' pro salubri statu nostro, et predilectissime consortis nostre Elizabeth' Regine Anglie, Reginaldi Bray, militis, Katerine uxoris ejus, d'ci Thome Stokke, Elizabeth' Elmes et Will'mi Elmes*, dum vixerimus, et pro animabus nostris, cum ab hac luce migraverimus; Necnon, specialiter, *pro animabus predicti Will'mi Browne et Margerete uxoris ejus*, et animabus omnium fidelium defunctor', facere, fundare, erigere, creare et stabilire possit et possint, perpetuis futuris temporibus duratur'. ET volumus q'd, postq'm dicta Domus elemosinaria sic facta, fundata, erecta, creata et stabilita fuerit, *Domus Elemosinaria Will'mi Browne, de Staunford, in comitatu Lincoln'*, nuncupetur: iidemq^{ue} Custos et Confrater, et successores sui, *Custodes et Confratres Domus Elemosinarie Will'mi Browne, de*

* Rot. Parl. et Rot. Pat. ix. Hen. vii.

Staunford, in comitatu Lincoln', imperpetuum nuncupent': ac sint unum corpus, et una communitas perpetua corporata, h'eantq^{uo} successionem perpetua', et commune sigillum pro negociis ejusdem domus deservitur', ac sint persone habiles et capaces in lege ad perquirend' et recipiend' sibi et successoribus suis, terras, tenementa, redditus et alia possessiones et hereditamenta quecumq^{ue} de quibuscumq^{ue} personis ea eis dare, concedere, legare, seu assignare volentibus ; H'end' sibi et successoribus suis imperpetuum : Et q'd iidem Custos et Confrater, et successores sui, per idem nomen placitare possint aut implacitari, respondere et responderi, Necnon omnimod' acciones, sectas, querelas et causas reales et personales ac mixtas, cujuscumq^{ue} generis fuerint vel nature, coram quibuscumq^{ue} Justiciariis sive Judicibus, temporalibus vel sp'ualibus, seu aliis personis quibuscumq^{ue}, prosequi et in eisdem respondere et responderi possint ; Necnon omnia alia facere et recipere prout ceteri ligei nostri et heredum nostror' faciunt, seu facere possint aut poterint infutur'. Et ulterius, de uberiori gracia nostra, ac pro perpetua continuacione domus elemosinarie p^{re}dicte, necnon pro relevacione et sustentacione tam d'c'or' Custodis et Confratris et successor' suor', q'm diversor' pauperum utriusq^{ue} sexus, ibidem, similiter, juxta ordinacionem ipsius Thome, aut executor' suor', seu eor' aliquor' vel alicujus inveniend' et sustentand', ibidem, similiter, in forma predicta d'precatur', Ac pro aliis oneribus et operibus caritativis, juxta ordinacionem ipsius Thome, aut executor' suor', seu eor' aliquor' vel alicujus, supportand', volumus, concedimus et licenciam damus, pro nobis et heredibus nostris, per presentes, q'd idem Thomas, aut executores sui, seu alie persone quecumq^{ue} aut eor' aliqui vel aliquis, postq'm Domus elemosinaria predicta sic facta, fundata, creata, erecta et stabilita fuerit, terras, tenementa, redditus et alia possessiones et hereditamenta quecumq^{ue} ad annuu' valorem quinquaginta marcar'. ultra reprisas, que de nobis immediate in capite non tenentur, dare, concedere, alienare, seu assignare possit aut possint, prefatis Custodi et Confratri et successoribus suis ; H'end' eis et successorib'z suis, imp'p'm ; et eisd' Custodi et Conf'ri, et successorib'z suis, q'd ip'i terras ten' redditus, possessiones et hereditamenta illa, de prefato Thoma, aut executoribus suis, aut aliis personis quibuscumq^{ue} recipere possint ; H'end' eis et successoribus suis, imperpetuum, tenore presentium, similiter, concedimus et licenciam damus specialem : Absq^{ue} aliquo fine aut feodo nobis aut heredibus n'ris, vel ad usum nostrum, vel heredum nostror', pro premissis, aut aliquo premissor' solvend' sive reddend'. DUM tamen per inquisicio'es inde capt', et in Cancellar' nostram vel heredu' nostror' rite retornat', compertum sit, q'd id fieri possit absq^{ue} dampno vel prejudicio nostri vel heredum nostror', aut

alior' quor'cumq^{ue}, absq^{ue} impetic'o'e, impedimento, seu perturbac'o'e nostri vel heredu' nostror', Justic', Escaetor', Vicecomitum, Coronator', Ballivor', seu alior' Officiarior' sive Ministror' n'ror' vel heredum nostror' quor'cumq^{ue}: statuto de terris et tenementis ad manum mortuam non ponend' edito, aut aliquo alio statuto, actu sive ordinacione, in contrariu' fact', edit', sive ordinat' aut aliqua alia re, causa vel materia quacumq^{ue}, non obstant'. IN cujus rei testimoniu' has l'ras nostras fieri fecimus patentes. TESTE me ip'o apud Westmonasterium, vicesimo octavo die Novembr', anno regni nostro nono.

JAMYS.

Per breve de privato sigillo, et de dat' p'd'c'a *auctoritate Parliamenti*, pro quinquaginta libris solut' in Hanaperio.

Irro.

In dorso Patentis Henrici, septimi, Regis.

Memorand' q'd quinto die Februarii anno regni Regis Henrici septimi nono, Johe's Coton, Custos et Will's Haukyn, Confrater Domus Eleemosinarie Will'i Browne de Staunforde infra scr' p^{er}quisierunt p^{er}textu istius licencie, de Thoma Stokke, cl'ico, Man'ia de Swafeld et Northwithome cum p^{er}tin' ac alia t'ras et ten' ad valenciam triginta librar' p^{er} annu' H'end' et tenend' sibi et successorib'z suis Custodib'z et Conf'rib'z Domus Eleemosinarie p^{er}d'c'e imp^{er}p'm, in partem satisfacc'o'is quinquaginta marcar' terrar' ten' ac cet'or' p^{er} annu' infrascr'.

VII.

CHARTER OF JAMES I.*

JACOBUS, dei gratia, Anglie, Scocie, Francie et Hib'nie REX, Fidei Defensor, &c. OMNIBUS ad quos presentes litere pervenerint, salutem. CUM Will's Browne, de Staundforde, in comitatu n'ro Lincoln', tempore Regni Domini Richardi, quondam Regis Anglie, tercii, quandam Capellam ac divers' al' Domos et edificia, infra dict' villam de Staundford', pro quadam Domo elemozinaria ibidem fiend', ad grandes custus et expens' suos tunc noviter construi et edificari fecerit; ac quandam Domu' elemozinar', perpetuam, ibidem, tam pro diversis Capellanis divina in eadem Capella celebratur' quam pro diversis

* Rot. Pat. viii. Jac. i.

pauperibus, utriusq^{ue} sexus, ibidem sustentand' et relevand', purposuerit : Et, priusquam Domu' elemozinar' illam stabilire potuit, predict' Will's Browne, morte preveniente, ab hac luce subtractus fuit. CUMQ^{ue}, postea, preclarissimus proavus noster, Dominus Henricus nuper Rex Anglie, septimus, per literas suas patentes, magno sigillo suo Anglie sigillat', gerentes dat' apud Westm' vicesimo octavo die Novembris, anno regni sui nono, pro considerac' in eisdem express' et content', concesserit et licenciam dederit Thome Stokke, clerico, fratri Domine Margarete Browne, relicte dicti Will'i Browne et executricis testamenti ejusdem Will'i, q'd idem Thomas aut executores sui seu eor' aliqui vel aliquis, quandam Domum elemozinar', apud Staundford' predict' de uno Custode, Capellano secular', ac de uno Confratre ejusdem Domus, similiter Capellano secular', existen', juxta ordinacion' ipsius Thome aut executor' suor', seu eor' aliquor' vel alicujus, in ea parte facere, fundare, erigere, creare et stabilire possit et possint, perpetuis futuris temporib'z tunc duratur' : Et q'd, postq'm dicta Domus elemozinar' sic facta, fundat', creat' et stabilita fuisset, Domus elemozinar' Will'i Browne de Staundforde in Comitatu Lincoln' nuncuparetur ; Iidemq^{ue} Custos et Confrater, et successores sui, Custod' et Confres Domus elemozinar' Will'i Browne, de Staundford', in comitatu Lincoln', nuncuparentur, prout per easdem literas patentes, inter alia, plenius liquet et apparet. CUMQ^{ue}, postea, predict' Domus Elemozinar' fact', fundata et creata fuit, secundum tenorem et veram intenc'o'em d'c'ar' literar' patenciu', predict' Regis Henrici septimi in ea parte sic ut prefertur fact' ; Ac etiam divers' terr, ten' et hereditament' dat' legat', perquisit' sive conveiat' fuer', per diversas personas, ad et versus perpetuam sustentac'o'em Domus elemosinar' predict', ac relevamen et manutenc' Custod' et Confratr' ac pauperum in eadem Domo sustentand' et relevand', secundum piam intenc'o'em d'c'i Will'i Browne. CUMQ^{ue} quedam persone, aliquem defect' et invaliditat' in predict' literis patentib'z ac al' conveiant' animadvertes (*sic*), nuper conati sunt statum dicte Domus elemozinar' prorsus evertere, ac terr', ten' et possession' ejusdem vel eor' aliqua, per diversos pios et bene affectos ad relevamen pauper' in eadem Domo, pro tempore existen', religiose et pie dat' et concess', ad privat' suum co'modum transferre ; Ac quo magis predict' conat' et intenc'o'es suas ad effect' perduc'e possent, dict' Domu' elemozinar', terr', tenement' et hereditamenta predicta, sub jure et titulo nostro sibiipsis acquirere laboraverunt : Nos pia et charitativa opera bonor' et pior' hominu', fovere et manutenere cupientes, et nolentes q'd per nos, aut in nostro jure, vel sub obtentu nominis n'ri, aliquod dampnu' vel detriment' pauperib'z et egenis inferretur ; ac penitus detestantes ex reddit' aut aliis quibuscunq^{ue} ad hujusmodi

v'sus destinat' ditari; volentes, insuper, ex abundanciori gracia nostra jus titul' et demand' n'ra, quecunq^{ue} que habemus, aut habere potuimus, in premissis, libere et graciose conferre et extendere, ad fortificat', manutenc' et stabiliment' operis predict'; de gracia nostra speciali, ac ex certa sciencia et mero motu n'ris, volumus ac, per presentes, pro nobis hered' et successorib'z n'ris, concedimus, Q'd pred'c'a Domus, scituat' et existen' in' Staundford' predict', modo vulgariter vocat' le Almeshowse de Staundforde predict', de cetero imperpetuum sit erit et permaneat Hospitale pauperum, in Staundford' predict', in dicto comitatu Lincoln', pro sustentac'o'e relevamine et manutenc' pauperum, utriusq^{ue} sexus: Et q'd dict' Hospital', de cetero imperpetuum, erit aut esse possit et consistet *de uno Custode, uno Confratre, decem viris pauperib'z et de duab'z mulierib'z* in eodem Hospitali imperpetuum inveniend' et sustentand': Et q'd dict' Hospital', deinceps imperpetuu' vocabitur *Hospitale Will'i Browne, de Staundford' in com' Lincoln' ex fundacione Jacobi Regis Anglie*; Et dict' Custod' Confratrem viros pauperes et pauperes mulieres per nomen *Custod' Confratris et Pauper' Hospital' Will'i Browne, de Staundford, in comitat' Lincoln', ex fundac'o'e Jacobi Regis Anglie*, erigimus, creamus, nominamus, fundamus et stabilimus, firmit' per presentes: Et q'd, de cetero imperpetuu', sint et erint, in dicto Hospitali, duo Capellani, quor' unus no'i'abitur Custos dicti Hospitalis de Staundforde, alter, vero, nominabitur Confrater ejusdem Hospital' de Staundforde predict'; et erunt et vocabuntur Custos et Confrater omniu' terr' ten'tor' reddit' et hereditament' bonor' et catallor' ejusdem Hospitalis; et erunt et vocabuntur Custos et Confrater Hospital' Will'i Browne, de Staundford', in Comitatu Lincoln', ex fundac'o'e Jacobi Regis Anglie: Q'dq^{ue} de cetero, perpetuis futuris temporib'z sint et erunt, in eodem Hospitali, decem pauperes et egeni viri, provect' etat' et due mulieres, eciam etat' provect' ibidem sustentand', manutenend' et relevand', qui similit' vocabuntur pauperes Hospital' Will'i Browne, de Staundforde, in com' Lincoln', ex fundac'o'e Jacobi Regis Anglie: Ac, pro meliori performac'o'e concession, n're' in hac parte, elegimus, no'i'avimus, assignavimus et constituimus ac, per presentes, pro nobis heredib'z et successorib'z nostris, eligimus, no'i'amus assignamus et constituimus dilect' nobis; Petrum Titley, clericum, fore et esse primu' et modernu' Custod' dict' Hospitalis, ac dilect' nobis Thomam Shorthose, cleric', fore et esse primu' et modernu' Confrem, dict' Hospital' et terr', ten', reddit' et possessionu', revencionu' bonor' et catallor' ejusdem Hospital'. ET ULTERIUS, de uberiori gracia n'ra speciali, ac ex certa sciencia et mero motu nostris, elegimus, nominavim', assignavimus et constituimus, ac, per presentes, pro nobis hered' et

successorib'z n'ris, elegimus, nominamus, assignamus et constituimus, dilectos nobis Robertum Batemenson, Philippum Parre, Joh'em Buddle, Joh'em Robinson, Joh'em Johnson, Will'm Piggott, Thomam Grundy, Thomam Rogers, Will'm Roe, Edwardum Tidd, viduam Christian', et vid' Ann', fore et esse primos et modernos duodecim pauper' ejusdem Hospital', ibidem remansur', sustinend' et relevand', duran' vitis suis natural'. ET ut hec pia et charitativa intencio n'ra meliorem capiat effect', ac ut terr', ten't', bona, catalla et hereditamenta ad manutenc'o'em Hospitalis predict' ac predic' Custod' Confratr' et pauperum in eodem Hospitali de tempore in tempus relevand' et sustentand' melius dari, concedi, perquiri et possideri possint, volumus, ac, pro nobis hered' et successorib'z nostris, de consimili gracia n'ra speciali, certa sciencia et mero motu n'ris, concedimus, ordinamus et constituimus, q'd iidem Custos, Confrat' et pauperes Hospital' predict', et successores sui, sint et erunt, de cetero imperpetuu', unu' corpus corporat' et pollitic', de se, in re facto et nomine, per nomen Custod' Conf'ris et pauper' Hospitalis Willi' Browne de Staundford' in comitat' Lincoln', ex fundac'o'e Jacobi Regis Anglie: Et ipsos Custodem, Conf'rem et pauperes, et successores suos per nomen Custodis, Conf'ris et pauper' Hospital' Will'i Browne, de Staundford', in Com' Lincoln', ex fundac'o'e Jacobi Regis Anglie, incorporamus et unu' Corpus, corporat' et polliticum, per idem nomen, imperpetuu' duratur', realiter et ad plenum, pro nobis hered' et successorib'z n'ris, erigimus, facimus, creamus, ordinamus, constituimus et stabilimus, firmiter, per presentes: Q'dq^{ue}, per idem nomen Custodis Confratr' et pauper' Hospitalis Will'i Browne, de Staundford', in com' Lincoln', ex fundacione Jacobi Regis Anglie, perpetuis futuris temporib'z, vocabuntur appellabuntur et nominabuntur: Et q'd, per idem nomen, habeant successionem perpetuam: Et q'd ipsi, per nomen Custodis, Conf'ris et pauper' Hospital' Will'i Browne, de Staundford', in comitat' Lincoln', ex fundac'o'e Jacobi Regis Angl', sint et erunt, perpetuis futuris temporib'z, persone habiles et in lege capaces ad perquirend', recipiend', habend' et possidend' Maneria, terras, ten'ta, prata, pascua, pastur' redditus, reverciones, remaneria et al' hereditamenta sibi successorib'z suis imperpetuum, tam de nobis hered' et successorib'z n'ris, quam de aliqua alia persona quacunq^{ue}, seu de aliquib'z al' personis quibuscumq^{ue}; quam eciam bona et catalla, ad sustentac'o'em, manutenc' et relevamen Hospital' predict', ac predict' Custodis Confratris et pauperum ibidem, de tempore in tempus, degen' et sustentand.' VOLUMUS eciam, ac per presentes, pro nobis heredib'z et successorib'z n'ris, concedimus predict' Custodi Confratri et pauperib'z Hospitalis Will'i Browne, de Staundford', in com' Lincoln' ex fundac'o'e Jacobi Regis Anglie, et successorib'z suis, Q'd

ipsi, et successores sui imperpetuu', habeant com'une Sigillum, pro causis et negociis suis, concernen' Hospital' predict', de tempore in tempus deservitur': Et q'd bene liceat eisdem Custodi Confratri et pauperib'z, et successorib'z suis, Sigill' illud ad libitum suu', de tempore in tempus, frangere, mutare et de novo facere prout eis melius fieri et fore videbitur: Et q'd p'dict' Custos Confrat' et pauperes, et successores sui, per nomen Custodis Confratr'is et Pauper' Hospital' Will'i Browne, de Staundford', in com' Lincoln', ex fundac'o'e Jacobi Regis Anglie placitare et implacitari, prosequi defendere et defendi, responderi possint et valeant, in quibuscunq^{ue} et singulis causis, querelis, sect' ac accionibus, quibuscunq^{ue} cujuscunq^{ue} nature seu generis fuerint, in quibuscunq^{ue} curiis locis et placeis n'ris, heredum et successor' n'ror', ac in cur' locis et plac' alior' quor'cunq^{ue} coram quibuscunq^{ue} Judic', Justiciar' et Com'issionar' n'ris hered' et successor' n'ror', et al' quor'cunq^{ue} infra hoc regnum n'r'm Anglie, et alibi ad ea omnia et singula alia quecunq^{ue} faciend', agend' et exequend', per nomen predict' in tam amplis modo et forma prout al' persone ligei nostri, persone habiles et in lege capaces, infra Regnu' n'r'm Angl', faciunt et facere valeant aut possint, in cur' locis et plac' p'dict', et coram Judicibus Justiciar' et Com'issionar' predict'. ET ULTERIUS volumus, concessimus et ordinavimus, ac, per presentes, pro nobis hered' et successorib'z n'ris volumus, concedimus et ordinamus, *Q'd cum et quociens imposter' contingat aliquem vel aliquam eor'dem Custod' Conf'ris et duodecim pauper' Hospital' predict' obire, vel a Domo predict' amot' vel amot' fore, pro aliqua causa ob quam, juxta ordinac'o'es, provisiones et constituc'o'es pro regimine, gubernac'o'e et direcc'o'e Hospital' predict', antehac fact', seu imposter' fiend', seu aliquo alio quocunq^{ue} modo, ab eadem domo amoveri, vel abinde totalit' sponte recedere, Q'd et tociens Decanus de Staundford', pro tempore existens, Et Vicar' Eccl'ie parochial' o'i'm Sanctor', in foro ville de Staundford', pro tempore existens, al' idon' person', eodem loco hujusmodi Custod', Conf'ris, viri seu mulieris, sic deceden', amot' seu amot', seu totaliter receden', et ejusdem sexus, infra quatuordecim dies, prox' post decessum, amocionem, seu recess' ill' sequen', nominabunt constituent, admittent et in realem possessionem inde ponent.* ET PRETEREA, volumus et ordinamus, pro nobis hered' et successorib'z n'ris, Q'd, si contingat imposter' q'd predict' Decanus et Vicar', seu eor' success', infra quatuordecim dies postquam aliquis Custos, Confrater, vir, seu mulier Hospital' predict' decesserit, aut sic a domo illa amot' sive expuls' amota sive expulsa fuerit, sive abinde sponte ut premittitur recesserit, al' personam idoneam, loco illius sic decedentis amoti seu recedentis, et ejusdem sexus, minime nominaverint, constituerint, admiserint et in

realem possessionem posuerint, Q'd tunc et tociens *hered' predict' Will'i Browne*, et hered' eor', infra alios quatuordecim dies, extunc' prox' sequen', idon' person' eodem loco ill' Custodis, Conf'ris, viri, seu mulieris, sic deceden', amot', seu receden', et ejusdem sexus, nominabunt, constituent, et in realem possessionem inde ponent, illa vice tantum: Et si ac quociens heredes predict' Will'i Browne, vel eor' hered', infra illos quatuordecim dies sic sibi ad nominand', constituend', admittend' et in realem possessionem ponend', hujusmodi person' in hac parte limitat', aliam idoneam personam loco illius sic deceden', amot' vel receden' et ejusdem sexus non nominaverint, constituer', admiserint, seu posuerint, q'd tunc et tociens *Aldermannus predict' ville de Staundford*, pro tempore existens, aliam idoneam personam eodem loco hujusmodi Custod' Confris viri seu mulieris sic deceden', amot', seu receden', et ejusdem sexus infra alios quatuordecim dies extunc postquam hered' pred'c'i vel eor' heredes in hujusmodi nominacione constituc'o'e admissione seu posic'o'e defecerint, nominabunt, constituent, admittent et in realem possessionem inde ponent, illa vice tantum: Et si ac quociens Aldermannus ville predict' pro tempore existens, infra eosdem quatuordecim dies sic ei in forma predict' ad h'mo'i personam nominand', constituend', admittend' et in real' possessionem ponend' limitat', aliam idoneam personam loco illius Custod', Confratris, viri, seu mulieris deceden', amot', vel receden', et ejusdem sexus, non nominaverint, constituerint, admiserint seu posuerint, Q'd tunc et tociens *Episcopus Lincoln'*, pro tempore existens, aliam idoneam personam loco hujusmodi Custod', Conf'ris, viri, seu mulieris, sic deceden', amot', vel receden', et ejusdem sexus, infra alios quatuordecim dies prox' sequen' post tempus predict' d'c'o Aldermanno ad hujusmodi personam in hac parte nominand' constituend' admittend', seu ponend', in forma predict' limitat' nominabit, constituet, admittet et in real' possession' inde ponet, illa vice tantum. Et si et quociens Episcopus Lincoln', pro tempore existens, infra eosdem quatuordecim dies sic sibi, in forma predict', ad h'mo'i personam nominand', constituend', admittend' et in real' possessionem ponend' limitat' aliam idoneam personam loco illius Custod', Confratris, viri, seu mulieris, sic deceden' amot' vel receden' non no'i'averit, constituerit, admiserit, seu posuerit, Q'd tunc et tociens predict' *Decanus de Staundforde et Vicarius pred' Ecclesie parochial' Omnium Sanctor', in foro Staundford'*, pro tempore existen', aliam idoneam personam eodem loco ill' Custod', Confratr', viri seu mulieris, sic deceden', amot', vel receden', et ejusdem sexus, infra alios quatuordecim dies prox' sequentes post tempus predict', d'c'o Episcopo pro tempore existen' ad h'mo'i personam in hac parte nominand' constituend',

admittend', et ponend', in forma predict', limitat' iterum nominabunt, constituent, admittent et in realem possessionem inde ponent, imperpetuu': Et si quociens contingat aliquem Custodem, Conf'rem, virum, seu mulier', Domus elemosinar' predict', obire aut a domo illa amot' fore, ex aliqua tali causa ut premittitur, sic abinde totalit' recedere et predict' Decanus et Vicar' pro tempore existen', infra tempus predict' eis in forma predict' ad nominand', constituend', admittend', et in reali possessione ponend', in premiss' limitat', idoneam personam minime nominaverint, constituerint, admiserint, seu in real' possessionem posuerint, tocies decurrat tempus et devolvatur jus in parte no'i'and', constituend', admittend' et in real' possession' ponend' idoneam personam in forma predict', ad predict' *hered' dicti Will'i Browne* et eor' hered' illa una vice tantum: Ac si et quociens hered' illi vel eor' heredes, infra tempus eis in forma predict' ad nominand', constituend', admittend', in p'miss' assignat', idoneam personam in ea parte minime nominaverint, constituer', admiser', posuer', Q'd tunc et tociens decurrat et devolvatur jus no'i'and', admittend', et in real' possession' ponend' idoneam personam in premissis, ad predict' *Aldermannu'* pro tempore existen', illa una vice tantum: Ac si et quociens idem Aldermannus sic pro tempore existens infra tempus predict' ei in forma predict' ad nominand', constituend', admittend', et in real' possession' ponend', in premissis limitat', idoneam personam minime no'i'averit, constituer', admiserit, seu in real' possession' posuerit, tocies decurrat et devolvatur jus in ea parte nominand', constituend', admittend', et in realem possessionem ponend' idoneam personam in forma predict' ad predict' *Episcopum* pro tempore existen', illa una vice tantum: Et quociens idem Episcopus pro tempore existens infra hujusmodi tempus predict' sibi in forma predict' ad nominand', constituend', admittend' et in real' possession' ponend', in premiss' limitat', idoneam personam minime nominaverit, constituer', admiserit, seu in realem possession' posuerit toties decurrat et devolvatur jus inde ponere; et sic in infinit', inter easdem personas preno'i'at, decurrat, devolvatur et circueat jus in premissis nominand', constituend', et in real' possessionem ponend', juxta ordinem et seriem, formam et effectum ipsius in presentib'z specialit' specificat' et declarat'. VOLUMUS eciam, et concedimus, pro nobis heredib'z et successorib'z n'ris, q'd omnia et singula leges, statuta et ordinac'o'es per prefat' Thomam Stokke antehac fact', edit' sive constituta, de cetero imperpetuum, stabunt, continuabunt, et remanebunt in pleno robore, vigore et effectu, et q'd reputabuntur et acceptabuntur, in omnibus et per omnia, stabil' et firm' secundum tenorem et effect' eor'dem, quatenus iidem leges, statut' sive' ordinac'o'es sunt consonan' legibus et statut' Regni n'ri Anglie, nec eisdem legibus sive statut' con-

trar' sive repugnan': Que quidem leges statuta et ordinac' per predict' Thomam Stokke ut prefertur fact', edit' et ordinat', quatenus ead' non sunt contraria sive repugnan' legib'z sive statut' hujus regni Anglie, Nos, quantum in nobis est, pro nobis hered' et success' n'ris, confirmamus, ratificamus et approbamus, per presentes. VOLUMUS eciam, ac per presentes, pro nobis hered' et successorib'z n'ris, concedimus, Q'd Ep'us Lincoln', pro tempore existen' et successores sui, cum assistenc' et consensu Archiepiscopi Cantuar', pro tempore existend' de tempore in tempus, revisent, examinabunt et perscrutabunt antiqua statut', jura, ordinac'o'es et constituc'o'es d'c'e nuper Domus elemozinar' vel reputat' Domus elemozinar' predict' ac tot et talia eor'dem antiquor' statut' ordinac' et constituc' quot qual' et quatenus eadem *non** sunt repugnan' aut contraria legib'z et statut' hujus regni n'ri Anglie solu'modo penitus expurgare, delere et obliiterare, ea intenc'o'e ut posthac in usu aut executione non ponantur; Ac eciam facere et constituere tot tanta talia et h'mo'i alia bona, idonea et salubria statut' jura ordinac' et constituc' in script', tam concernen' divina servicia de die in diem in predict' Hospitali in honorem Dei celebrand' quam concernen' gubernacion' et direccion' Custod', Confratris et Pauperum in Hospitali predict' relevand', quot, quanto, qualia et que per predict' Ep'm Lincoln' pro tempore existen', cum assistenc' et consensu Archiep'i Cantuar', pro tempore existen' bona, utilia, idonea et salubria videbuntur, non existen' contraria, nec repugnan', vel derogant' antiquis statut', ordinac' et constituc' dicti Hospital' antehac fact', quatenus hujusmodi antiqua statut' ordinac'o'es et constituc'o'es non sint vel erunt contraria nec repugnan' legib'z vel statut' hujus Regni Anglie; Eademq^{ue} omnia et singula sive eor' aliquod vel aliqua, sic de novo fact' vel fiend', secundum veram intenc'o'em har' literar' n'rar' patenciu' revocare, mutare, determinare, augmentare, alterare, vel de novo facere, prout ei de tempore in tempus melius videbitur expedire: Que quidem statuta, jura, ordinac'o'es et constitu'c'es, sic ut prefertur fiend', et constituend', volumus et concedimus, ac per presentes, pro nobis hered' et successorib'z n'ris, firmiter precipimus et mandamus, inviolabilit' observari, teneri et performari, de tempore in tempus in futur': Ita tamen q'd ejusmodi statuta, jura, ordinac'o'es et constituc'o'es ut prefertur fiend' constituend' vel ordinand', aut eor' aliquod vel aliqua, non sint contraria aut repugnancia legib'z aut statut' hujus Regni n'ri Anglie, nec antiquis statut' ordinac'o'ib'z et constituc' dict' Hospitalis, quatenus eadem antiqua statut' ordinac'o'es et constituc'o'es ejusdem Hospitalis non sint contraria nec repugnan' legib'z aut statut' hujus Regni nostri

* Sic in orig.

Anglie. DEDIMUS eciam et concessimus, ac per presentes, pro nobis hered' et successorib'z n'ris, damus et concedimus pefat' Custodi, Conf'ri et Pauper' Hospitalis Will'i Browne, de Staundforde, in comitat' Lincoln', ex fundac'o'e Jacobi Regis Anglie, et successorib'z suis omnia illa Maner', mesuag', terr', ten'ta, prata, pascua, pâstur' et hereditamenta quecumq^{ue}, cum eor' pertin' universis, in Staundford' predict', in predict' comitat' Lincoln', ac alibi ubicunque infra regnu' n'r'm Anglie, de quib'z reputat' Custos et Confrater et Pauperes dicte nuper Domus elemozinar' vel reputat' Domus elemozinar', vel eor' aliquis vel aliqui, per spacium sexaginta annor' ultime elaps' ante dat' har' literar' n'rar' patenc' de facto saltem, si non de jure, habuer', perceper', vel gavisi fuer', annual' reddit', exit', revenc', sive profic' quiete et absq^{ue} disturbac'o'e: Ac eciam omnia et singula mesuagia, molendina, domos, edificia, terr', tenementa, prata, pasc', pastur', vasta, jampna, bruer', moras, mariscos, boscos, subboscs', decimas, fructus, proficua, com'oditat', advantagia, emolumenta et hereditament', reddit', reverc'o'es, servicia, penc'o'es, porco'e's reddit' siccus, ac redditus et servic' tam liberor' quam custumar' tenen', Cur' Let', vis' Franc' pleg', ac omnia que ad Cur' Let' et vis' Franc' Pleg' pertinent, seu imposter' spectare possint aut debent, nativos nativas et villanos cum eor' sequelis, estoveria et co'i'as estover', ac omnia alia jura, jurisdic'o'es, franchises', libertates, privileg', proficua, com'oditat', advantag', emolumenta et hereditamenta n'ra quecumq^{ue} cum suis jurib'z membr' et pertinencc' universis, cujuscunq^{ue} sint generis, nature seu speciei, seu quibuscunq^{ue} nominib'z vel addicion' nomi'um sciantur, censeantur, nuncupentur, seu cognoscantur, scituat' jacen' et existen' ac de tempore in tempus annuatim provenien', crescen', renovan', contingen', seu emergen', infra vill', campos, loca, paroch', sive hamlett' de Staundford' predict', in dicto comitat' Lincoln', vel alibi ubicunq^{ue} predicti Domo elemozinar' vel reputat' domo elemosinar' ad aliquod tempus spectan', pertinen', inciden' vel appenden', aut ut memb'r, partes, vel parcell' ejusdem Domus elemozinar' predicti Will'i Browne unquam antehac habit', cognit', accept', occupat', usitat', dimiss', locat', reputat', sive gavis' existen'. ET ULTERIUS de ampliori gracia n'ra speciali, ac ex certa sciencia et mero motu n'ris, volumus ac per presentes, pro nobis hered' et successorib'z n'ris, concedimus pefat' Custodi, Conf'ri et pauperib'z Hospital' Will'i Browne, de Staundford', in com' Lincoln', ex fundac'o'e Jacobi Regis Anglie, Q'd ipsi et successeurs sui, imperpetuum, habeant, teneant et gaudeant, ac habere, tenere et gaudere valeant et possint, infra predict' maner', mesuag', terr', ten'ta ac cetera omnia et singula premissa, superius per presentes preconcessa, ac infra quamlibet inde parcellam, deinceps imperpetuu', tot', tant' talia, eadem, hujusmodi et consimilia Cur' Let' Vis' Franc'

Pleg', libertat', franchises', bona et catalla waviat', bona et catalla felonu' et fugitivor', extrahur', deodand' ac omnia alia jura, jurisdicc'o'es, franchises', consuetudines, privileg' proficua, com'oditat', advantag', possessiones, emolumenta et hereditament' quecunq^{ue}, quot quanta qualia et que, ac adeo plene, libere et integre, ac in tam amplis modo et forma prout aliquis Custos et Confrater dicte Domus elemozinar' vel reputat' Domus elemozinar', vel aliquis alius sive aliqui alii unquam antehac habentes, possidentes, aut sei'ti inde existentes, habens, possidens, occupans, aut seisit' inde existens, habuit, tenuit, vel gavisus fuit, aut unquam habuer', tenuerunt, vel gavisus fuerunt, seu habere, tenere uti vel gaudere debuer' aut debuit, in premissis superius per presentes preconcessis, aut in aliqua inde parcella, r'one vel pretextu alicujus Carte, Doni, Concessionis, vel Confirmac'o'is, per nos seu per aliquem Progenitor' n'ror' nuper Regum vel Reginar' Anglie antehac habit', fact', concess', seu confirmat', aut ratione vel pretextu alicujus Act' Parliamenti, vel aliquor' Act' Parliament', aut r'one vel pretextu alicujus legitime prescripc'o'is, usus, seu consuetudinis, antehac habit' seu usitat', aut alio quocunq^{ue} legali modo, jure, seu titulo, ac adeo plene, libere et integre, ac in tam amplis modo et forma, prout nos aut aliquis progenitor' vel antecessor' n'ror' predict' Maner', mesuagia, terras, tenementa ac cetera omnia et singula premissa, superius per presentes preconcessa, aut aliquam inde parcellam, unquam habuimus aut gavisus fuimus, aut habuer', tenuerunt vel gavisus fuerunt, aut habere et gaudere debuimus, aut habere et gaudere debuerunt aut debuit, ac adeo plene libere et integre ac in tam amplis modo et forma prout ea omnia et singula premissa, superius per presentes preconcessa, aut aliqua inde parcella ad manus n'ras, seu ad manus aliquor' progenitor' sive antecessor' nostror', nuper Regum vel Reginar' Anglie, rac'o'e vel pretextu alicujus Dissoluc'o'is dicte Domus elemozinar' vel reputat' domus elemozinar', aut ratione vel pretextu alicujus Act' Parliamenti, vel aliquor' Act' Parliament', aut ratione Escaet', seu quocunq^{ue} alio legali modo, jure, seu titulo devenerunt, seu devenire debuerunt, aut in manibus n'ris jam existunt, seu existere debent vel deberent: habendum tenendum et guadend' omnia et singul' predict' Maner', Mesuagia, terras, tenementa, bosc', subboscus, ac cetera omnia et singula premissa, superius per presentes preconcessa, cum eor' pertinenc' universis pifat' Custodi, Confratri et pauperib'z Hospital' Will'i Browne de Staundford in com' Lincoln', ex fundac'o'e Jacobi Regis Anglie et successor' suis imperpetuu', ad solum et proprium opus et usum dictor' Custodis, Confratris et pauperum et successor' suor' imperpetuu': tenendum de nobis heredib'z et successoribus n'ris in liberam, puram et perpetua' elemozinam, imperpetuu', pro omni'b'z

aliis reddit', servic', exaccionib'z et demand' quibuscunq^{ue}, proinde nobis hered' vel successorib'z n'ris quoquo modo reddend', solvend' vel faciend'. ET ulterius nos, de ampliori gracia nostra speciali, ac ex certa sciencia et mero motu n'ris, pro nobis hered' et successorib'z nostris, dedimus, concessimus, perdonavimus, remissimus, relaxavimus et confirmavimus, ac, per presentes, damus, concedimus, perdonamus, remittimus, relaxamus, exoneramus et confirmamus pifat' Custodi, Confratri et pauperib'z Hospitalis Will'i Browne, de Staundford, in comitat' Lincoln', ex fundac'o'e Jacobi Regis Angl', et successorib'z suis, et omnibus aliis tenent' et occupator' premissor', superius per presentes preconcessor', ac cujus libet inde parcella, omnes intrusiones, intrac'o'es et ingressus de in et super premissis, seu aliqua inde parte vel parcella, antehac habit' sive fact'; Ac eciam omnia et singula exitus, fines reddit', revenc'o'es, fructus, annual' proficua et arrerag' quecumq^{ue} omniu' et singulor' premissor', superius per presentes preconcess', vel mencionat' esse concess' et cujusl't inde parcella, quoquo modo ante dat' har' literar' n'rar' patenciu', hucusq^{ue}, provenien', crescen', acciden', incur's, sive solubil', ac omnia arrerag' inde. ET ULTERIUS, de uberiori gracia n'ra speciali, ac ex certa sciencia et mero motu n'ris volumus et, per presentes, concedimus pifat' Custodi, Confratri et pauperib'z, et successorib'z suis, Q'd nos heredes et successores nostri, imperpetuum, exonerabimus aut indempnes conservabimus, tam dict' Custodem, Confratrem et pauperes et successores suos, quam omnia et singula predict' Maneria, mesuagia, terras, ten'ta, et hereditamenta, superius per presentes preconcessa, ac quamlibet inde parcellam, cum eor' pertinenc' universis, versus nos heredes et successores nostros, de et ab omnibus et omnimodis corrodiis, reddit', feod' annuitat', pencionibus porcio'ibus et denar' sum'is ac oneribus quibuscunq^{ue}, de premissis superius per presentes preconcessis, seu de aliqua inde parcella nobis heredib'z et successorib'z n'ris quoquo modo exeun' seu solvend', vel superinde versus nos heredes et successores n'ros onerat' seu onerand'. Preterquam de tenura superius in hiis presentibus nobis heredibus et successorib'z nostris superius per presentes reservat'. VOLENTES etiam, et per presentes, pro nobis hered' et successorib'z n'ris firmiter injungen' et precipien', tam Thesaurar', Cancellar' et Baronibus Scaccarii nostri hered' et successor' n'ror', quam omnib'z et singulis Receptorib'z, auditorib'z et aliis officiar' et Ministris n'ris hered' et successor' n'ror' quibuscunq^{ue} pro tempore existen' Q'd ipsi, et eor' quilibet, super solam demonstrac'o'em har' literar' n'rar' patenciu', vel irrotulament' ear'dem, absq^{ue} aliquo alio brevi seu warranto a nobis heredibus vel successorib'z nostris quoquo modo impetrand', obtinend' seu prosequend', plenam, integram

debitamq^{ue} allocac'o'em et exonerac'o'em manifestam de et ab omnibus et singulis hujusmodi corrodiis, reddit', feod', annuitat', penc'o'ib'z, porcionib'z et denarior' sum'is ac oneribus quibuscunq^{ue}, pifat' Custodi, Confratri et pauperibus, et successorib'z suis, facient et de tempore in tempus fieri causabunt : Et he litere nostre patentes, vel Irrotulament' ear'dem, erunt annuatim et de tempore in tempus, tam dict' Thesaurar', Cancellar', et Baronib'z Scaccarii n'ri predicti hered' et successor' nostror' quibuscunq^{ue} quam omnib'z et singulis Receptorib'z, Auditorib'z et aliis Officiar' et Ministris n'ris hered' et successor' n'ror' quibuscunq^{ue}, pro tempore existen', sufficiens warrant et exoneracio in hac parte. VOLUMUS eciam ac, per presentes, concedimus pifat' Custodi, Confratri et pauperib'z et successorib'z suis, Q'd he litere n're patentes, vel Irrotulament' ear'dem, erunt in omnib'z et per omnia, firme, valide, bone, sufficientes et effectuales, in lege, erga et contra nos heredes et successores nostros, tam in omnib'z Curiis n'ris quam alibi infra regnum nostrum Anglie, absq^{ue} aliquibus Confirmac'o'ibus licenciis vel tolleracionibus de nobis heredib'z vel successorib'z nostris imposter' procurand' aut obtinend' : NON obstan' male nominand' vel male recitand' aut non recte et certe recitand' predict' Maner', Mesuag', terras, tenementa, sive hereditamenta et cetera premissa, superius per presenta precon' aut aliquam inde parcellam : Et non obstan' non inveniend' offic' sive officia, Inquisic'o'em aut Inquisic'o'es premissor', sive alicujus inde parcelle, per que titulus noster inveniri debuit ante confecc'o'em har' literar' n'rar' patenciu' : Et non obstan' male recitand' male nominand', vel non recitand' seu non nominand' aliquam Dimissionem sive Concess' de premissis vel de aliqua inde parcella fact', existen' de recordo vel non de recordo : Et non obstan' male nominand' vel non no'i'and' aliquam villam, hamlett', locum, paroch', precinct' vel com' in quib'z premissa vel aliqua inde parcella existunt vel existit : Et non obstan' q'd de nominib'z Tenen', Firmar', Possessor', sive Occupator' premissor' vel alicujus inde parcelle plena vera et certa non fit mencio. Et non obstan' aliquo defectu sive aliquib'z defect' de certitudine vel computa'c'o'e, aut declara'c'o'e veri annui valoris premissor', aut alicujus inde parcelle, aut annual' reddit' reservat' de et super premiss', vel de et super aliqua inde parcell', in hiis literis n'ris patentib'z express' et content' : Et non obstante Statuto in Parlamento Domini Henrici nuper Regis Anglie, sexti, antecessoris n'ri, anno regni sui decimo octavo, fact' et edit' : Et non obstante Statuto de terris et ten'tis ad manu' mortuam non ponend' : Et non obstante statuto in Parlamento domini Edwardi nuper Regis Anglie, sexti, antecessoris n'ri anno regni sui primo, fact' et edit' : Et non obstan' aliquib'z defectib'z in non recte et certe nominand' natur', genera, species, quantitat',

aut qualitat' premissor', aut al' inde parcellæ: Et non obstan' male recitand' non recitand' aut non vere mencionand' stat' vel stat' nostr' de libero ten'to aut hereditar' de aut in premiss' aut aliqua inde parte, ad que nos unquam antehac intitulat' sumus vel fuimus, rac'o'e alicujus attincture escaet', conveianc', vel assuranc', cujuscunq^{ue} aut aliter ratione alicujus al' juris sive tituli cujuscunq^{ue} aut aliqua alia materia, consideracione, causa aut re material' non obstan': Eo quod expressa mencio de vero valore annuo, aut de certitudine premissor' sive eor' alicujus, aut de aliis donis sive concessionib'z per nos seu per aliquem Progenitorum sive antecessor' n'ror', p'fat' Custodi Conf'ri et Pauperibus antehac fact' in' presentibus minime facta existit, aut aliquo statuto, actu, ordinac'o'e, provisione, proclamacione', sive restric'o'e, in contrarium inde antehac habit', fact', edit', ordinat', seu provis' aut aliqua alia re, causa vel materia quacunq^{ue} in aliquo non obstan'. In cujus rei testimoniu' has literas nostras fieri fecimus Patentes. **TESTE** meipso apud Westmonasterium, quarto die Maii anno regni nostri Anglie, Francie et Hibernie octavo, et Scocie quadragesimo tercio.

“Exa'iat' p^r me THOMAM MARTEN.”

VIII.

GIFTS OF SIR THOMAS DELALAUND, DECEMBER 1499.

I.

Ad perpetuam rei memoriam memorandum et firmiter memoriæ comendandum quod venerabilis Vir Thomas Delalaund de North Wytham in Comitatu Lincolnie miles tradidit et per quamdam cartam suam confirmavit huic domui eleemosinariæ vocatæ Brown is halmshouse in Staunford in comitatu Lincolnie prædicto certas terras et tenementa in North Wytham prædicto ad extantum xvij^a per annum ad perpetuum usum et commodum Custodis istius domus et confratris sui et eorum successorum et ad augmentum sustentacionis xij pauperum utriusque sexus in hac eadem domo eleemosinaria degentium sic videlicet quod prædictus Custos habebit de prædicta summa iij^a per annum ultra salarium suum sibi per statuta istius domus limitatum per manus suas proprias solvendo: et dictus Confrater habebit de prædicta summa iij^a per annum per manus Custodis ei solvendo et dicti xii pauperes habebunt residuum prædictæ summæ per annum ultra eleemosinariam septimanalem intra eos dividendum et eis per manus dicti Custodis tradendum et deliverandum. Per qua conces-

sione primò petit prædictus Thomas quod dictus custos et suus Confrater et eorum successores habebunt specialem et mentalem recomendacionem prædictæ Thomæ Delalaund Militis et dominæ Johannæ consortis suæ dum vixerint in eorum singulis missis cum hac collecta "Deus qui &c." per eis dicenda et aliis Suffragiis intra vivos eciam recomendacionem animarum parentum prædictæ Thomæ Delalaund intra mortuos cum hac collecta "Absolve quæsumus Domine animas &c." et post mortem prædictæ Thomæ et Johannæ consortis suæ nomina sua cum nominibus parentum suorum inscribantur in sedula (sedile?) oratoriæ super altarem intra nomina mortuorum benefactorum hujus domus cum recomendacione mentali in forma prædicta. Petit eciam prædictus Thomas Delalaund quod quilibet dictorum xij pauperum utriusque sexus et sui successores dicat quamlibet septimanam bis salutacionem Beatæ Mariæ Virginis pro bona salute prædictæ Thomæ Delalaund et Johannæ consortis suæ dum vixerint et pro animabus parentum suorum et pro animabus prædictæ Thomæ Delalaund et Johannæ cum ab hac luce migraverint aut ullus eorum migraverit ac eciam pro animabus omnium benefactorum suorum in perpetuum specialiter tenetur orare. Petit etiam dictus Thomas quod obitus T. & N. patris et matris dictæ Thomæ ac etiam obitus dictæ Thomæ et dictæ Johannæ consortis sui cum ab hac luce migraverint custodiatur quolibet anno cum "Placebo et Dirige" a dicto Custode et suo confratre in Capella dictæ domus eleemosynariæ xvj die Maii et quod illa die quilibet dictorum xij pauperum dicat pro animabus T. M.-T. I. prædictorum unum specialem psaltum beatæ Mariæ Virginis ulterius illum psalmum septimanale. Petit etiam dictus Thomas quod nomen suum cum nomine Johannæ consortis sui quam in vita tam post mortem eorum accitentur in quotidianis oracionibus mane et sero per quemdam seniorum pauperum ad hoc assignatum intra nomina benefactorum hujus domus. Vult tamen prædictus Thomas Delalaund et dispensat quod si aliquis dictorum xij pauperum à casu omittat et non dicat nisi semel in septimana psalmum Beatæ Virginis Mariæ in forma prædicta quod ex hoc non aggñct nec oneretur talis pauper sic omittens in consacnact (?) de reatu perjurii nec accusetur coram Deo (dno?) de fraccione promissi. Petit etiam dictus Thomas Delalaund quod hoc prædictum memorandum inscribatur in libro statutorum non tamen quam statutum sed tamquam quoddam mente notandum quod quater in anno legatur pauperibus post lecturam statutorum per custodem et ejus confratrem. Quas omnes petitiones fieri et impleri concesserunt Dictus Custos et suus Confrater et omnes dicti xij pauperes utriusque sexus per se successoribus suis imperpetuum

quorum nomina sunt ista: Johannes Taillor Custos et Willielmus Hawkyns Confrater.

| | | |
|--------------|--------------------------------------|----------------------------|
| T. BRIGGE | W. BAKER | MAT ^A . HUNTLEY |
| T. ANDREW | T. REYNOLDS | ELIZ. HUNTLEY |
| T. NORMANTON | W. RESUL | (poor women). |
| J. BURGOYN | Mast ^r . G. KEELL (clerk) | |
| T. BENTLEY | J. CANTASY | |
| | (poor men) and | |

Datum 14^o anno post conquestum Angliæ regni regis Henrici Septimi. Decem. 1499.

II.

Omnibus Christi fidelibus ad quos presens scriptum pervenerit Salutem in Domino sempiternam. Noveritis me Thomam Delalaund militem remisisse relaxasse et omnino per me et hæredibus meis imperpetuum quieter clamasse Johanni Taillor Custodi domus Eleemosinariæ Willielmi Browne in Staunford et Willielmo Hawkyns suo Confratri et successoribus suis totum jus meum titulum clamemque habeo seu quovis modo in futurum habere potero in uno messuagio cum quadraginta acris tres sex acris prati cum suis pertinenciis in villa et campis de North Witham in Comitatu Lincolnæ videlicet intra tenementum in A. B. ex parte orientali et tenementum C. D. ex parte occidentali et abuttat de super regiam viam ex parte australi et terram E. F. ex parte boreali quod quidem messuagium quadraginta acras tres sex acras prati cum suis pertinenciis nuper habui ex dono et feoffamento M. D. militis et quod quondam fuit Ricardi B. de North Witham prædicto. Ita quod nec ego prædictus Thomas Delalaund nec hæredes mei nec aliquis alius nomine meo aliquod juris titulæ sive clamei de et in prædicto messuagio terra prati cum suis pertinenciis nec in aliquot inde parcella de cæteris exigi seu vindicare poterimus sed ab omni jure titulo et clamei per præsentem omnino exclusi imperpetuum. Et ego prædictus Thomas Delalaund miles et hæredes mei prædictum messuagium terram prata cum omnibus suis pertinenciis et cæteris præmissis præfato Custodi et Confratri suo et eorum successoribus contra omnes gentes warrantizavimus et in perpetuum defendemus. In cujus rei testimonium sigillum meum apposui et quia sigillum meum pluribus est incognitum sigillum R. Sutton (Master) of the Hospital of St. Lazarus of Burton præsentibus fore appensum procuravi. Datum xx^o. de Decembre anno Regis Henrici Septimi post conquestum Angliæ 14^o. A.D. 1499.

IX. VALOR ECCLESIASTICUS.

Temp. Henr. VIII.

Auctoritate Regia Institutus.*

Com' Lincoln.

Decanatus Stamfordie infra Archidiaconat' Lincoln' et Dioc' Lincoln'.

HOSPIT'LE OM'T' S'C'OR' INFRA VILLAM STAMFORD.

Scit' hospit'lis p'dict' cum gardin' pom'iis et
 div's' dom'ibz infra p'cinct' ejusd'm scit' p' } n^l. q' res'vant' in man'
 annu'. } gardiani ib'm et null'
 p'fic' inde p'venieb'.

D'NIA TERR' ET POSSESSION' P'T'IN'
 HOSPIT'LI P'DICT' JACEN' ET EXISTEN' IN
 SEP'AL' COM' UNDE JOH'ES MUSTON EST
 GARDIANUS IB'N.

IN COM' LINCOLN.

Val' in Tempal'.

| | ℥ | s. | d. | | ℥ | s. | d. |
|---|---|----|----|------|------|----|----------------------|
| Reddit' assis' cum reddit' et firmis div's terr' et ten'tor' jac' et existen' in div's p'ochijs infra villam Stam- ford, ut patz declaraco'em inde fact' et exami'at' .. | | | | xvj | | | xvj |
| Reddit' assis' cum reddit' et firmis tenenc' in div's villis hamelett' et p'ochijs ib'm, viz., in Willesthorp xx ^s , Barh ^a m xiiij ^s , Carelby xxj ^s , South W ^h ome xij ^s , North W ^h ome iiij ^{li} , xiiij ^s , iiij ^d , cu' vj ^s , viij ^d , de vendico'e bosc' ib'm coi'bz annis Swafelde xiiij ^{li} , xviiij ^s , x ^d , cu' xx ^s de vendico'e bosc' ib'm coi'bz annis et Cown- thorp iiij ^s . In toto ut p'r declarac'o'em inde fact' .. | | | | xxij | iiij | ij | xxxvij iiij vj |

* From 'Val. Eccl.', published by the Record Commission, 1821, vol. iv.
 p. 142.

COM' NORTH'T'.

Val' in Tempal'.

Reddit' assis' cu'm reddit' et firm' tenenc' in div's
villis et hamlett' ib'm, viz. in Worthorp xxij^a viij^a,
Eston jux^a Stamford lxxix^a, Pillesgate lvj^a viij^a,
Barnak li^a viij^a. In toto ut pz declarc'o'em inde
fact' et exami'at'

£ s. d.

x x —

COM' HUNT'.

Val' in Tempal'.

Reddit' unius ten'ti cum p'tinen' jac' in Warmyngton
ut pz declarac'o'em p'dict' p' ann'u

— xx —

COM' RUTL'.

Val' in Tempal'.

Reddit' assis' cum reddit' et firm' div's ten'torz cu'
p'tin' in div's vill' ib'm, viz. in Northluffenh'm
lx^a, et in Stretton xxxvij^a viij^a. In toto p'
declar' p'd'

iv xvij viij

£ liiij xij ij

D' quibz in

COM' LINCOLN'.

Repris' in Tempal'.

Resolut' reddit' ann^u exeunt'
div's capit'libz d'nis p'
cert' terr' et ten't' jacen' et
existen' in villam Stamford
p'dict', viz. Dn'e Anne
Regine Anglie xxxj^a iij^a.
Ric'o Cycell vj^a ix^a ob'.
P'ori S'c'i Leonardi xvij^a.
Abb'ti de Burgo S'c'i Petri
ix^a. Necnon p' cons' red-
dit' resolut' div's al' capit'l'
d'nis in com' p'dco, viz.
p'ori de Launde p' t'r' in
Willesthorp iij^a. D'no
Darcy p' t'r' in Barh'm ob'
D'no Sc'i Joh'nis p' t'r'
in South W'thorne iij^a,
Thome Bagott gen'os' p'
t'r' in Swafeld xii^a, Willo
Gulston p' t'r' in Carelby
xii^a et D'no Husy p' t'r'

| | £ | s. | d. | £ | s. | d. |
|--|---|-------|----|---|----|----|
| in Cownthorp vj ^d . In toto | | | | | | |
| ut pz declar' p'dict' | — | xliij | v | | | |

COM' NORTH'T'.

Repris' in Tempal'.

Reddit' resolut' ann^{ti} exeunt'
div's capit'libz d'nis p'
terr' et ten't' jacen' ib'm,
viz. Abb'i de Burgo S'c'i
Petri p' t'r' in Worthorp
iiij^d. D'ne Comitisse Sa'
p' terr' in Eston ij^a v^d.
P'ori domus Cartusien'
Coventr' p' t'r' ib'm ij^a
viiij^d. P'd'c'o Abb'ti de
Burgo S'c'i Petri p' t'r' in
Pillesgate ix^a ij^d ob' q'.
Joh'i Vyncent gen'os' p'
t'r' in Barnak ij^a et r'cori
ib'm p' c't' t'r' iij^a iiiij^d.
In toto ut p'z dict' de-
clarac'o'em — xix xi ob' q'

COM' HUNT'.

Repris' in Tempal'.

Resoluc' reddit' p'fato Abb'ti
de Burgo S'c'i Petri p' t'r'
in Warmyngton ut pz in
dc'a declarc'o'e exami'at
et p'bat — v vij

COM' RUTL'.

Repris' in Tempal'.

Cons' reddit' resolut' ann^{ti}
exeunt' div's capit'libz p'
terr' et ten't' ib'm, viz.
D'n'o Regi xij^d. D'n'o
Zouche iij^a ob' et hered'
Bassett iiiij^a viij^d p' terr' in
Northluffenh'm et D'n'o
Husy p' t'r' in Stretton
v^a vj^d. Ut pz declarac'
p'dict' — xi v ob

| | | |
|-------|---|------|
| iiiij | — | v ob |
|-------|---|------|

| | | |
|-----------------------|-----|----------------|
| Et reman' ultra | £ 1 | xi viij ob' q' |
|-----------------------|-----|----------------|

| | ℥ | s. | d. | ℥ | s. | d. |
|---|---|----|----|---|------|------|
| Inde in Feod' Officiar'. | | | | | | |
| Feod' . . . senesc' tenent' | | | | | | |
| cur' hospit'lis p'd'ci p' | | | | | | |
| ann'm vj ^s viij ^d . Feod' | | | | | | |
| Thome Celson et Joh'nis | | | | | | |
| Gilpyn balliorz ac col- | | | | | | |
| lector' reddit' et firm' | | | | | | |
| p'dict' p' ann'm intr se xx ^s , | | | | | | |
| ut pz in declarac' p'dic't' | | | | | | |
| | | | | — | xxvj | viij |

Ann^b Pencio.

| | | | | | | |
|--|---|---|---|--|--|--|
| Penco'e ann ^b solut' R'cori | | | | | | |
| Eccl'ie S'c'i Mich'is Stam- | | | | | | |
| ford jux' statut' et ordinac' | | | | | | |
| fundator' hospit'lis p'd'ci | | | | | | |
| coram com'issionar' d'ni | | | | | | |
| R. ostens'.. .. | — | v | — | | | |

Elemos' Paup'u'.

| | | | | | | |
|---|--------|------|---|--|--|--|
| Elemos' annu ^u assignat' xij | | | | | | |
| hoi'bz et mulieribz pau- | | | | | | |
| pibz cotidie orantibz in | | | | | | |
| Capell' d'ci hospit'lis p' | | | | | | |
| a'iabz Will'mi Browne | | | | | | |
| fundator' quond'm m'ca- | | | | | | |
| tor' Staple Cales' et bene- | | | | | | |
| factorz suoz, viz. cuil't eoz | | | | | | |
| xxx ^s iiij ^d p' ann'm ut pz | | | | | | |
| Stat' et Ordinac' inde vis' | | | | | | |
| et examinat'. In toto .. | xviiij | iiij | — | | | |

Salar' Gardiani et Con-
socii Sui.

| | | | | | | |
|---|-----|---|---|--|--|--|
| Stipend' sive Salar' d'ni | | | | | | |
| Joh'nis Muston Gardiani | | | | | | |
| hospit'lis p'd'ci et dn'i | | | | | | |
| Will'i Teyle consocii sui | | | | | | |
| divina celebrant' in Ca- | | | | | | |
| pella om'i' S'coz infra | | | | | | |
| hospit'le p'd'cm, viz. d'co | | | | | | |
| Gardiano vj ^{li} xiiij ^s iiij ^d et | | | | | | |
| d'c'o consocio suo cvj ^s xiiij ^d | | | | | | |
| p' ann'm jux ^a statut' et | | | | | | |
| ordinac' p'd'ct | xij | — | — | | | |

xxxj xv viij

| | | | | | |
|-------------------------|-------|--------|---------|------|--------|
| Et valet clare | | ℥xviij | xvj | — | ob' q' |
| Inde p' x ^{ma} | | — | xxxviij | viij | ob |

| | £ | s. | d. | £ | s. | d. |
|-------------------------------|---|----|----|------|-------|----|
| On' acio Salar' P'die't. | | | | | | |
| D'ns Johnes Muston gar- | | | | | | |
| dianus hospit'lis p'd'ci in | | | | | | |
| profic' salar' sui p' ann'm | | | vj | xij | iiij | * |
| D'ns Wil'ms Teyle con- | | | | | | |
| socius suus in profic' salar' | | | | | | |
| sui p' annm' | | | — | cvj | viiij | † |
| | | | | £xij | — | — |

| | £ | s. | d. |
|---------------------------|---|-----|-------|
| * Inde p' x ^{ma} | — | xij | iiij |
| † Inde p' x ^{ma} | — | x | viiij |

X.

HOSPITAL SEAL.

THE seal of Browne's Hospital bears, under a rich canopy, a representation of the Holy Trinity. The principal figure, which is seated, denotes the First Person; the Second is represented between the knees of the Former as the Saviour on the Cross; and the Third appears as a Dove below the beard of the First. This is the same device that is introduced into the window of the Chapel; but one or two other features are added. Between the hands of the principal figure is extended what appears to be a sheet, containing five heads: this may be an allusion to *Wisdom* iii. 1, "The souls of the righteous are in the hands of God." Below the above group is the half-length figure of a man with the hands closed together in the attitude of prayer, and underneath are the arms of Stokke. The whole is surrounded by the words:—

Sigillu': com'une: domus: elemosinarie: Staunford'.

XI.

LIST OF WARDENS AND CONFRATERS.

| <i>Wardens.</i> | | <i>Confraters.</i> | |
|-----------------------------|------|-----------------------------|------|
| John Cotten | 1494 | William Gaubyn | 1494 |
| John Tayler | 1496 | William Hankyns | 1494 |
| William Sharpe | 1503 | William Teyle | 1527 |
| Robert Sheepy | 1507 | Jeffrey Bradmer | 1538 |
| Richard Dicklein | 1518 | William Osburn | 1540 |
| Thomas Helton | 1522 | William Harwood | 1557 |
| Thomas Forster | 1529 | James Penington | 1562 |
| John Musson | 1532 | Richard Shewdown | 1569 |
| John Repington | 1557 | Lewis Elmes | 1573 |
| Peter Rowthe | 1583 | John Mossey | 1576 |
| Robert Newton | 1600 | Thomas Shorthose | 1585 |
| Peter Titley | 1610 | Symon Reade | 1594 |
| Richard Barksdale | 1625 | Thomas Wilkinson | 1599 |
| Ralph Hodgkin | 1637 | Henry Hodgkin | 1629 |
| John Richardson | 1653 | Lionel Lambe | 1640 |
| William Styles | 1662 | Reyner Herman | 1660 |
| John Lawrence | 1677 | Thomas Staghouse | 1668 |
| John Sedgwick | 1700 | Matthew Greames | 1673 |
| William Forster | 1703 | Peter Bold | 1681 |
| Thomas Foster | 1708 | William Cawthorn | 1683 |
| John Zeaman | 1719 | William Forster | 1692 |
| John Cawdron | 1731 | Thomas Foster | 1703 |
| William Ross | 1744 | John Zeaman | 1708 |
| Thomas Hurst | 1766 | Robert Tipping | 1719 |
| Edward Edwards | 1785 | Jacob Dodd | 1727 |
| Christopher Cookson | 1808 | William Ross | 1738 |
| Henry De Foe Baker | 1844 | William Gale | 1744 |
| Charles Nevinson | 1845 | Edward Edwards | 1769 |
| William Hen. Iggulden | 1880 | Christopher Cookson | 1785 |
| William J. Williams | 1888 | Charles Sanders | 1808 |
| | | Richard Henry Grelton | 1844 |
| | | Woolley Spencer | 1845 |
| | | Robert Bateman Paul | 1868 |
| | | Denis Edward Jones | 1877 |
| | | Henry Bailey Browning | 1883 |

XII.

SCHEDULE

OF THE

REAL AND PERSONAL PROPERTY

OF THE

Warden, Confrater, and Twelve Poor

OF THE "DOMUS DEI" OF STAMFORD

(HOSPITAL OF WILLIAM BROWNE),

30th April, 1890.

SCHEDULE
OF THE
REAL AND PERSONAL PROPERTY,

OF THE

*Warden, Confrater, and Twelve Poor of the Hospital of William Browne, in Stamford,
in the County of Lincoln, 15th May, 1890.*

REAL PROPERTY.

TOWN OF STAMFORD.

| Description of Property. | Acreage. | | | Tenant. | Gross Annual Income. |
|--|----------|----|----|-------------|----------------------|
| | A. | R. | P. | | £ s. d. |
| The Hospital, with the Chapel, Audit Room, and Common Room, and twelve Residences for the Bedes-folk | | | .. | In hand. | . |
| The Warden's Residence adjoining the Hospital | | | .. | The Warden. | |

TOWN OF STAMFORD—*continued.*

| Description of Property. | Acreage. | | Tenant. | Gross Annual Income. | | |
|--------------------------|----------|--------------------|------------------|----------------------|----|----|
| | A. | R. P. | | £ | s. | d. |
| Land | .. | .. | Timson, R. D. | £ 6 | 0 | 0 |
| " | .. | .. | Harr, W. S. | 10 | 3 | 6 |
| " | .. | .. | Meadwell, W. | 11 | 1 | 0 |
| " | .. | .. | Huckbody, S. | 34 | 0 | 0 |
| " and Stackyard | .. | .. | Betts, H. T. | 44 | 13 | 0 |
| " | .. | .. | Hinson, C. .. | 6 | 0 | 0 |
| House, | 1, | Crown Street | Webster, J. .. | 10 | 0 | 0 |
| " | 2, | " | Stafford, A. | 14 | 0 | 0 |
| " | 1, | All Saints' Place | Richardson, Jane | 40 | 0 | 0 |
| " | 17, | Barn Hill | Hatfield, M. | 30 | 0 | 0 |
| " | 3, | All Saints' Street | Littledike, C. | 16 | 0 | 0 |
| " | 4, | " | Peasgood, E. | 15 | 10 | 2 |
| " | 5, | " | Strangward, S. | 15 | 10 | 2 |
| " | 6, | " | Wilkinson, A. | 15 | 10 | 2 |
| " | 7, | " | Peasgood, G. E. | 15 | 10 | 2 |
| " | 8, | " | Smith, G. .. | 14 | 0 | 0 |
| " | 17, | " | Barton, James | 21 | 0 | 0 |
| Carried down | | | | £ 318 | 18 | 2 |

TOWN OF STAMFORD—continued.

| Description of Property. | Acreage. | | | Tenant. | Gross Annual Income. | | |
|-----------------------------|----------|----|----|-------------------|----------------------|----|----|
| | A. | R. | P. | | £ | s. | d. |
| House, 15, St. Peter Street | .. | .. | .. | Brought down | 318 | 18 | 2 |
| " 16, " " " | .. | .. | .. | Sellars, J. T. | 15 | 0 | 0 |
| " 17, Austin Street | .. | .. | .. | Simpson, D. W. T. | 18 | 0 | 0 |
| " 18, " " " | .. | .. | .. | Wrycroft, T. | 11 | 0 | 0 |
| " 19, " " " | .. | .. | .. | Dolby, Sarah | 11 | 0 | 0 |
| " 20, " " " | .. | .. | .. | Knighting, Paul.. | 8 | 10 | 0 |
| " 9, Sheep Market | .. | .. | .. | Baker, A. | 11 | 0 | 0 |
| " 10, " " " | .. | .. | .. | Groom, M. | 5 | 12 | 8 |
| " 11, " " " | .. | .. | .. | Bale, John | 6 | 1 | 4 |
| " 12, " " " | .. | .. | .. | Brown, H. | 6 | 1 | 4 |
| " 13, " " " | .. | .. | .. | Barlow, R. | 6 | 1 | 4 |
| " 14, " " " | .. | .. | .. | Weldon, M. | 6 | 1 | 4 |
| " 15, " " " | .. | .. | .. | Loak, G. P. | 6 | 1 | 4 |
| " 16, " " " | .. | .. | .. | Barrett, R. E. | 6 | 18 | 8 |
| " 1, Mallory Lane | .. | .. | .. | Hercocock, G. | 7 | 11 | 8 |
| " 2, " " " | .. | .. | .. | Thompson, J. | 5 | 12 | 8 |
| " 2, " " " | .. | .. | .. | Whyley, T. | 5 | 12 | 8 |
| Carried over | | | | | 455 | 3 | 2 |

TOWN OF STAMFORD—continued.

| Description of Property. | Acreage. | Tenant. | Gross Annual Income. |
|--------------------------|----------|-----------------|----------------------|
| | A. R. P. | | £ s. d. |
| House, 3, Mallory Lane | | Brought over | 455 3 2 |
| " 4, " " | | Rudkin, F. .. | 5 12 8 |
| " 5, " " | | Groom, Mary | 6 1 4 |
| Stables, North Street | | Greenwood, W. | 5 12 8 |
| Allotment Garden | | Bossom, W. | 6 0 0 |
| " " | | Boyfield, J. .. | 1 5 0 |
| " " | | Bryan, W. .. | 1 5 0 |
| " " | | Charity, G. .. | 1 5 0 |
| " " | | Kellam, W. .. | 1 9 0 |
| " " | | Carpenter, J. | 0 12 6 |
| " " | | Laking, H. .. | 1 12 0 |
| " " | | Fountain, G. | 0 12 6 |
| " " | | Sharpe, W. .. | 1 5 0 |
| " " | | Pickwell, T. | 0 13 0 |
| " " | | Harrison, H. | 0 12 6 |
| Carried down | | | £ 489 1 4 |

TOWN OF STAMFORD—continued.

| Description of Property. | Acreage. | | | Tenant. | Gross Annual Income. | | | |
|--------------------------|----------|----|----|---------------------|----------------------|----|----|--|
| | A. | R. | P. | | £. | s. | d. | |
| Allotment Garden | | | | Brought down | 489 | 1 | 4 | |
| " | | | | Bates, J. . . | 0 | 11 | 4 | |
| " | | | | Starsmore, J. . . | 0 | 11 | 4 | |
| " | | | | Downes, Judson . . | 0 | 11 | 4 | |
| " | | | | West . . . | 0 | 11 | 4 | |
| " | | | | Greaves, I. . . | 1 | 2 | 8 | |
| " | | | | Gann, C. . . | 1 | 2 | 6 | |
| " | | | | Whisker, T. . . | 1 | 2 | 8 | |
| " | | | | Starsmore, T. . . | 0 | 11 | 4 | |
| " | | | | Parkinson, G. . . | 0 | 11 | 4 | |
| " | | | | Middleton, E. . . | 0 | 11 | 4 | |
| " | | | | Sharpe, T. . . | 1 | 3 | 0 | |
| " | | | | Shipley, H. . . | 0 | 11 | 4 | |
| " | | | | Stainsby, C. . . | 0 | 11 | 4 | |
| " | | | | Taylor, H. . . | 1 | 3 | 0 | |
| " | | | | Williams, G. . . | 1 | 14 | 0 | |
| " | | | | Weatherington, H. . | 0 | 11 | 4 | |
| " | | | | Starsmore, J. . . | 0 | 11 | 4 | |
| " | | | | Thrift, R. . . | 0 | 11 | 4 | |
| " | | | | Weatherington, C. . | 1 | 2 | 8 | |
| | | | | Total . . . | 504 | 7 | 10 | |

COUNTY OF LINCOLN.

| Description of Property. | Acreage. | | | Tenant. | Gross Annual Income. | | |
|---------------------------------|----------|----|----|-----------------|----------------------|----|----|
| | A. | R. | P. | | £ | s. | d. |
| Lobthorpe and Twyford :— | | | | | | | |
| Land Lobthorpe | 11 | 0 | 13 | | | | |
| " Twyford | 101 | 2 | 19 | Bartram, C. | 42 | 0 | 0 |
| North Witham :— | | | | | | | |
| Farmhouse and Land .. | 123 | 1 | 36 | Thompson, A. | 92 | 10 | 0 |
| Public-house and Land | | | | Musson, E. . . | 21 | 0 | 0 |
| Cottage and Land | | | | Blackford, G. | 6 | 0 | 0 |
| " | 18 | 0 | 22 | Chamberlain, J. | 3 | 10 | 0 |
| " | | | | Cooper, W. . . | 3 | 0 | 0 |
| " | | | | Briggs, J. . . | 5 | 13 | 0 |
| " | | | | Brittan, M. . . | 2 | 10 | 0 |
| Cottage .. | | | | Chamberlain, J. | 3 | 10 | 0 |
| " | | | | Cooke, J. . . | 3 | 10 | 0 |
| " | | | | Denby, H. . . | 3 | 0 | 0 |
| " | | | | Gibson, W. . . | 2 | 10 | 0 |
| " | | | | Grice, M. . . | 3 | 10 | 0 |
| " | | | | Bullimore, B. | 7 | 0 | 0 |
| | | | | Carried down .. | 199 | 3 | 0 |

COUNTY OF LINCOLN—*continued.*

| Description of Property. | Acreage. | Tenant. | Gross Annual Income. |
|---------------------------------------|----------|--|----------------------|
| North Witham—<i>continued.</i> | | | |
| Cottage | A. R. P. | Brought down .. | £ s. d. 199 3 0 |
| " | .. | Hibbett, G. .. | 3 0 0 |
| " | .. | Newcomb, D. .. | 2 10 0 |
| " | .. | Porter, W. .. | 2 10 0 |
| " | .. | Porter, J. .. | 2 10 0 |
| " | .. | Steele, M. A. .. | 5 10 0 |
| " | .. | Smith, M. .. | 5 10 0 |
| " | .. | Thorpe, H. .. | 6 10 0 |
| " | .. | Thorpe, H. .. | 3 10 0 |
| " | .. | Wilkinson, E. .. | 2 10 0 |
| Smith's Shop | .. | Embling, J. ... | 2 10 0 |
| Cottage | .. | Young, Rev. P. .. | 3 10 0 |
| Farmhouse and Land | 38 0 14 | Parker, C. J. B. .. | 11 0 0 |
| | | (Leasehold for the life of William Walkington) | |
| Schoolroom | .. | Young, Rev. P. .. | 0 2 6 |
| Chief Rents | .. | | 0 12 0 |
| | { | Carried over | £ 250 17 6 |

COUNTY OF LINCOLN—*continued.*

| Description of Property. | Acreage. A. R. P. | Tenant. | Gross Annual Income. | | |
|--------------------------------|----------------------|--------------------|----------------------|----|----|
| | | | £ | s. | d. |
| Swayfield:— | | | | | |
| Farmhouse and Land | 223 | Brought over | 250 | 17 | 6 |
| Land | 58 | Sharp, J. S... | 200 | 0 | 0 |
| House | 2 | Ditto | 50 | 0 | 0 |
| Farmhouse and Land | 141 | Ditto | 20 | 0 | 0 |
| Land | 134 | Hare, Mrs. ... | 110 | 0 | 0 |
| Cottage and Land | 5 | Osgerby, A. J. . | 107 | 0 | 0 |
| Public-house, Garden, and Land | 7 | Atkins, S. . . . | 16 | 0 | 0 |
| Farm-buildings and Land | 14 | Tirrell, P. . . . | 37 | 0 | 0 |
| Land | 37 | Archer, W. ... | 15 | 0 | 0 |
| Land and Wood | 22 | Ditto | 26 | 0 | 0 |
| Cottage and Land | 2 | Wilkinson, R. S... | 11 | 2 | 6 |
| Land | 24 | Robinson, H. . . | 11 | 0 | 0 |
| " | 25 | Ditto | 9 | 12 | 0 |
| " | 4 | Burkitt, F. ... | 28 | 0 | 0 |
| School-room | .. | Staniland, W. . . | 6 | 0 | 0 |
| Cottage | .. | Cooper, Rev. R. . | 0 | 2 | 6 |
| | .. | Archer, W. ... | 3 | 10 | 0 |
| | | Carried down | 901 | 4 | 6 |

COUNTY OF LINCOLN—*continued.*

| Description of Property. | Acreage. | | Tenant. | Gross Annual Income. | | |
|------------------------------------|----------|-------|--|----------------------|----|----|
| | A. | R. P. | | £ | s. | d. |
| Swayfield—<i>continued.</i> | | | | | | |
| Cottage | .. | .. | Brought over .. | 950 | 5 | 2 |
| " | .. | .. | Smith, A. .. | 5 | 0 | 0 |
| " | .. | .. | Webster, W. .. | 6 | 0 | 0 |
| " | .. | .. | Freer, E. .. | 3 | 0 | 0 |
| " | .. | .. | Rosling, H. .. | 3 | 0 | 0 |
| Right of Way | .. | .. | Burkitt, F. .. | 0 | 1 | 0 |
| Chief Rents | .. | .. | | 0 | 12 | 0 |
| South Witham:— | | | | | | |
| Land | 28 | 2 32 | Adcock, D. .. | 23 | 0 | 0 |
| " | 2 | 2 12 | Tollemache, Rev. R. W., Leasehold for his own life | 6 | 10 | 0 |
| Tallington:— | | | | | | |
| Land | 0 | 0 30 | Lindsey, Earl of.. | 0 | 8 | 0 |
| Carlby:— | | | | | | |
| Farmhouse and Land | 67 | 3 19 | Templeman, J. .. | 72 | 0 | 0 |
| | | | Carried down | £ 1069 | 16 | 2 |

COUNTY OF LINCOLN—*continued.*

| Description of Property. | Acreage. | | Tenant. | Gross Annual Income. | | |
|------------------------------------|----------|-------|------------------|----------------------|----|----|
| | A. | R. P. | | £ | s. | d. |
| Swayfield—<i>continued.</i> | | | | | | |
| Cottage | .. | .. | Brought down | 901 | 4 | 6 |
| " | .. | .. | Cook, W. .. | 4 | 0 | 0 |
| " | .. | .. | Chapman, R. .. | 3 | 0 | 0 |
| " | .. | .. | Chapman, T. .. | 4 | 10 | 0 |
| " | .. | .. | Staniland, W. .. | 3 | 16 | 0 |
| " | .. | .. | Gay, J. .. | 3 | 16 | 0 |
| " | .. | .. | Grummitt, G. .. | 3 | 16 | 0 |
| " | .. | .. | Healey, A. ... | 3 | 16 | 0 |
| Cottage and Barn | .. | .. | Ingleton, W. .. | 3 | 15 | 4 |
| Cottage | .. | .. | Judson, A. .. | 0 | 6 | 0 |
| " | .. | .. | Kettle, T. .. | 1 | 10 | 0 |
| " | .. | .. | Lovick, A. .. | 3 | 0 | 0 |
| " | .. | .. | Loweth, G. ... | 4 | 4 | 4 |
| " | .. | .. | Handson, S. .. | 5 | 0 | 0 |
| " | .. | .. | Rosling, J. .. | 0 | 15 | 0 |
| " | .. | .. | Osborn, G. ... | 3 | 16 | 0 |
| " | .. | .. | | | | |
| | | | Carried over | 950 | 5 | 2 |

COUNTY OF LINCOLN—*continued.*

| Description of Property. | Acreage. | Tenant. | Gross Annual Income. | | |
|------------------------------|----------|---------------------|----------------------|----|----|
| | | | £ | s. | d. |
| Castle Bytham :— | | | | | |
| Farmhouse and Land | 23 0 30 | Brought down .. | 1069 | 16 | 2 |
| Sutton St. Edmunds :— | | Baines, J. | 33 | 0 | 0 |
| Cottage and Land | 44 1 10 | Tibbett, J. | 90 | 0 | 0 |
| Barholm :— | | | | | |
| Farmhouse and Land | 28 0 2 | Charity, W. | 45 | 0 | 0 |
| Hogthorpe :— | | | | | |
| Land | 5 2 21 | Allis, G. | 13 | 10 | 0 |
| Woolsthorpe :— | | | | | |
| House and Land | 7 0 14 | Burton, W. | 21 | 0 | 0 |
| Cottage | .. | Alexander, J. | 4 | 0 | 0 |
| Farmhouse and Land | 47 0 16 | Thompson, J. E. .. | 58 | 15 | 0 |
| Public-house | .. | Bennett, W. | 16 | 0 | 0 |
| Creeton :— | | | | | |
| Chief Rents | .. | Hornsby, M. | 0 | 10 | 0 |
| Total | | | £1351 | 11 | 2 |

COUNTY OF NORTHAMPTON.

| Description of Property. | Acreage. | | | Tenant. | Gross Annual Income. | | |
|---------------------------------------|----------|----|----|------------------------|----------------------|-----|------|
| | A. | R. | P. | | £ | s. | d. |
| Wothorpe:— | | | | | | | |
| Land .. | 1 | 0 | 12 | Simpson, R. .. | 5 | 0 | 0 |
| " .. | 0 | 2 | 36 | Featherstone, J... .. | 4 | 0 | 0 |
| St. Martin's, Stamford Baron:— | | | | | | | |
| Cottage .. | .. | .. | .. | Hayre, Ann .. | 7 | 11 | 8 |
| " .. | .. | .. | .. | Jackson, Sarah Jane .. | 7 | 11 | 8 |
| Newborough:— | | | | | | | |
| Farmhouse, Cottages, and Land .. | 235 | 3 | 11 | Vergette, R. and T. H. | 300 | 0 | 0 |
| Farm-buildings and Land .. | 63 | 0 | 32 | Williams, J. B. .. | 110 | 0 | 0 |
| Land .. | 0 | 1 | 0 | Sargeant, A. .. | 0 | 12 | 6 |
| " .. | 13 | 3 | 39 | Townsend, E. .. | 7 | 10 | 0 |
| " .. | 9 | 1 | 21 | Eve, J... .. | 23 | 4 | 0 |
| " .. | 0 | 3 | 10 | Sutton, D... .. | 2 | 0 | 0 |
| " (Allotments) .. | 11 | 2 | 26 | Williams, J. B. .. | 29 | 15 | 0 |
| | | | | Carried down | £ | 497 | 4 10 |

COUNTY OF NORTHAMPTON—*continued.*

| Description of Property. | Acreage. | Tenant. | Gross Annual Income. |
|----------------------------|----------|--|----------------------|
| Easton:— | | | |
| Land | | Brought down .. | £ s. d. 497 4 10 |
| " | 15 3 20 | Perkins, W. | 25 0 0 |
| Farmhouse and Land | 2 0 6 | Bell, J. W. | 4 10 0 |
| Cottages and Land | 57 0 38 | Greenwood, J. P., Leasehold for his own life. | 27 0 0 |
| Cottages and Land | 5 3 9 | Law, W. F., Leasehold for life of C. Whitehead | 4 0 0 |
| Warmington:— | | Carysfort, Earl of .. | 35 0 0 |
| Cottages and Land | 19 0 2 | Total | £ 592 14 10 |

COUNTIES OF RUTLAND AND LEICESTER.

| Description of Property. | Acreage. | | | Tenant. | Gross Annual Income. | |
|--------------------------|----------|----|----|--------------|----------------------|-------|
| | A. | R. | P. | | £ | s. d. |
| North Luffenham:— | | | | | | |
| Farmhouse and Land | 92 | 2 | 21 | Hart, Henry | 126 | 10 0 |
| Whissendine:— | | | | | | |
| Farmhouse and Land | 223 | 0 | 13 | Hayes, W. S. | 240 | 0 0 |
| Sewstern:— | | | | | | |
| Land.. | 6 | 0 | 23 | Royce, Frank | 9 | 0 0 |
| " | 3 | 1 | 7 | Preston, Wm. | 6 | 0 0 |
| | | | | Total | 381 | 10 0 |

Summary of Rentals.

| | £ | s. | d. |
|-------------------------------------|--------------|----------|-----------|
| Town of Stamford | 504 | 7 | 10 |
| County of Lincoln | 1351 | 11 | 2 |
| County of Northampton | 592 | 14 | 10 |
| Counties of Rutland and Leicester.. | 381 | 10 | 0 |
| | <u>£2830</u> | <u>3</u> | <u>10</u> |

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